FEDERAL REGISTER

VOLUME 12 NUMBER 244

Washington, Tuesday, December 16, 1947

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

PART 27—FEDERAL LAND BANK OF SAINT PAUL

FEES FOR CHANGE OF MATURITY DATES ON LOANS

Section 27.4 *Fees for change of maturity dates on loans* (12 F. R. 2720) of Title 6, Code of Federal Regulations, is hereby revoked, effective December 31, 1947. (Res. Bd. Dir., November 21, 1947)

[SEAL] FEDERAL LAND BANK OF SAINT PAUL,
W. R. FANKHANEL,
Vice President.

[F. R. Doc. 47-11012; Filed, Dec. 15, 1947; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment)

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

SUBPART—1948; IOWA

This section contains the provisions of the 1948 Agricultural Conservation Program for the State of Iowa. Payments will be made for participation in the program in accordance with the provisions of this section and such modifications as hereafter may be made.

Sec.
701.952 Iowa.
(a) Distribution and control of funds.
(b) Selection of conservation practices, rates of payment, and State or Federal aid.
(c) Divisions of payments.
(d) Increase in small payments.
(e) Payments limited to $500.
(f) Conservation materials and services.
(g) General provisions relating to payments.
(h) Application for payment.
(i) Appeals.
(j) State instructions and forms.
(k) Definitions.
(l) Authority, availability of funds, and applicability.
(m) Approved conservation practices.

§ 701.952 *Iowa*—(a) *Distribution and control of funds*—(1) *Control of funds.* The State committee will establish a limit on expenditures for each county. Community committeemen and the farmer will plan the practices needed for each farm. The farm plans thus completed will be reviewed by county and community committees. After due consideration has been given to the conservation needs on each farm and the availability of materials, labor, and equipment, a plan of conservation practices will be approved for completion in 1948. The credit value of each farm practice plan thus approved will be the minimum assistance that may be earned by carrying out approved practices, if the total of the credit values of all farm practice plans in the county does not exceed the county allocation of funds. If the computed credit value of all such farm practice plans exceeds the county allocation of funds, a pro rata allocation of the assistance available to the county will be offered on each farm as a minimum amount of money that may be earned by completion of approved practices. Any unearned assistance will be utilized to increase the minimum assistance offered on farms on which approved practices are carried out to the extent necessary to earn the additional assistance so allocated.

(2) The farm worksheet must be signed before April 1, 1948, in order for those interested in the operation of the farm to be eligible for payment for carrying out any practice in 1948. If a landlord or tenant acquires an interest in a farm after March 1, 1948, he may sign a farm worksheet to participate in the program without regard to the closing date, provided he does so within 30 days after acquiring his interest in the farm. Written approval of the extent of each practice is required prior to the performance of the practice, except that practices performed prior to April 15, 1948, may be approved retroactively until May 1, 1948.

(b) *Selection of conservation practices, rates of payment, and State or Federal aid*—(1) *Conservation practices.* The conservation practices approved for any county will be those selected by the county committee, with the assistance of community committeemen, from the practices approved in this section. The selection will be made on the basis of the

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such in parentheses.

CODIFICATION GUIDE—Con.

total conservation needs in the county, the relative need for each of the practices, the availability of material and equipment necessary to perform the practices, and the amount of additional conservation which may be achieved by including the practices. A practice may be selected for use throughout the county or upon designated farms in the county. This selection of practices must be approved by the State committee or its representative.

(2) *Local conservation practice.* The county committee may select, with the prior approval of the State committee and technical advisory committee and the concurrence of the Agricultural Conservation Programs Branch (hereinafter referred to as the ACP Branch) one practice of a local nature not included in the National Bulletin. This practice must have a definite soil or water conservation value or be one which will maintain or increase soil fertility or conserve and increase pasture forage and will meet special needs in the county. The seeding of grasses or legumes will not be approved as a local conservation practice. The practice selected under this authority must be carried out under specifications approved by the State committee. The State committee will determine the amount of funds which may be expended on this practice in any county.

(3) *Special conservation practice.* With the approval of the State committee, the county committee may select for use in the county one practice included in the National Bulletin for which there is a need locally, but which is not selected for general use in the State.

(4) *Practices completed with State or Federal aid.* Except as stated below, the total extent of any practice performed shall be reduced for purposes of payment by the percentage of the total cost of the practice which the county committee determines was furnished by a State or Federal agency. The extent of any practice shall not be reduced because a portion of the cost is represented by materials or services furnished by the ACP Branch or by an agency of the State or political subdivision thereof to another agency or political subdivision of the State.

(5) *Rates of payment.* The rates of payment will be those established in this section or in supplements thereto.

(c) *Division of payments*—(1) *Conservation practice payments.* The payment earned in carrying out practices with conservation materials or services shall be credited to the producer to whom the materials or services are furnished. Payment for practices performed with conservation materials and services shall have priority over payment for other practices. The payment earned in carrying out other practices shall be paid to the producer who carried out the practices. If more than one producer contributed to the carrying-out of such practices, the payment shall be divided in the proportion that the county committee determines the producers contributed to the carrying-out of the practices. In making this determination, the county committee shall take into consideration the value of the labor, equipment, or material contributed by each producer toward the carrying-out of each practice on a particular acreage, assuming that each contributed equally, unless it is established to the satisfaction of the county committee that their respective contributions thereto were not in equal proportion. The furnishing of land will not be considered as a contribution to the carrying-out of any practice.

(2) *Death, incompetency, or disappearance of producer.* In case of the death, incompetency, or disappearance of any producer, his share of the payment shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP–122, as amended.

(d) *Increase in small payments.* The payment computed for any person with respect to any farm shall be increased as follows:

(1) Any payment amounting to $0.71 or less shall be increased to $1.00.

(2) Any payment amounting to more than $0.71 but less than $1.00 shall be increased by 40 percent.

(3) Any payment amounting to $1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed:	Increase in payment
$1.00 to $1.99	$0.40
$2.00 to $2.99	.80
$3.00 to $3.99	1.20
$4.00 to $4.99	1.60
$5.00 to $5.99	2.00
$6.00 to $6.99	2.40
$7.00 to $7.99	2.80
$8.00 to $8.99	3.20
$9.00 to $9.99	3.60
$10.00 to $10.99	4.00
$11.00 to $11.99	4.40
$12.00 to $12.99	4.80
$13.00 to $13.99	5.20
$14.00 to $14.99	5.60
$15.00 to $15.99	6.00
$16.00 to $16.99	6.40
$17.00 to $17.99	6.80
$18.00 to $18.99	7.20
$19.00 to $19.99	7.60
$20.00 to $20.99	8.00
$21.00 to $21.99	8.20
$22.00 to $22.99	8.40
$23.00 to $23.99	8.60
$24.00 to $24.99	8.80
$25.00 to $25.99	$9.00
$26.00 to $26.99	9.20
$27.00 to $27.99	9.40
$28.00 to $28.99	9.60
$29.00 to $29.99	9.80
$30.00 to $30.99	10.00
$31.00 to $31.99	10.20
$32.00 to $32.99	10.40
$33.00 to $33.99	10.60
$34.00 to $34.99	10.80
$35.00 to $35.99	11.00
$36.00 to $36.99	11.20
$37.00 to $37.99	11.40
$38.00 to $38.99	11.60
$39.00 to $39.99	11.80
$40.00 to $40.99	12.00
$41.00 to $41.99	12.10
$42.00 to $42.99	12.20
$43.00 to $43.99	12.30
$44.00 to $44.99	12.40
$45.00 to $45.99	12.50
$46.00 to $46.99	12.60
$47.00 to $47.99	12.70
$48.00 to $48.99	12.80
$49.00 to $49.99	12.90
$50.00 to $50.99	13.00
$51.00 to $51.99	13.10
$52.00 to $52.99	13.20
$53.00 to $53.99	13.30
$54.00 to $54.99	13.40
$55.00 to $55.99	13.50
$56.00 to $56.99	13.60
$57.00 to $57.99	13.70
$58.00 to $58.99	13.80
$59.00 to $59.99	13.90
$60.00 to $185.99	14.00
$186.00 to $199.99	(1)
$200.00 and over	(2)

[1] Increase to $200.
[2] No increase.

(e) *Payments limited to $500.* The total of all payments made in connection with the 1948 program to any person with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, Puerto Rico, and the Virgin Islands) shall not exceed the sum of $500.

All or any part of any payment which has been or otherwise would be made to any person under the 1948 program may be withheld or required to be refunded, if he has adopted or participated in adopting any scheme or device designed to evade, or which has the effect of evading, the provisions of this paragraph.

(f) *Conservation materials and services*—(1) *Availability.* Liming materials, phosphate, potash, and services may be furnished by the ACP Branch to producers for carrying out approved practices. Title to any material so distributed, either directly or through purchase orders, shall vest in the ACP Branch until the material is applied or all charges for the material have been satisfied.

(2) *Cost to the producer.* The producer shall pay that part of the cost of the material or service established as being in excess of the credit for the use of the material or service in carrying out approved practices.

(3) *Maximum amount of materials or services which may be furnished for a farm.* The maximum amount of materials or services which may be furnished for a farm may not exceed the smaller of the quantity required to perform the number of units of the practices approved by the county committee or the quantity required to earn the minimum assistance established for the farm. Both landlord and tenant should be con-

sidered before final determination is made.

(4) *Eligibility.* No materials or services may be furnished to any producer whose name is on the county office register of indebtedness, except that a Farmers Home Administration debt shall not prohibit a producer from obtaining materials or services.

(5) *Deductions.* A deduction shall be made for materials or services furnished from the payment of the producer to whom the material or service is furnished. The deduction shall be the same as the credit value for use of the material or service in carrying out approved practices, except that where the cost of the material or service to the ACP Branch is less than the credit rate, the deduction shall be equal to the cost. If the producer misuses any material or service furnished, an additional deduction equal to the original amount of the deduction for the material or service misused shall be made. If the deduction for the materials or services exceeds the payment for the producer to whom the material or service is furnished, the amount of the difference shall be paid by the producer to the Treasurer of the United States. Any producer to whom materials are furnished shall be responsible to the ACP Branch for any damage to the materials, unless he shows that the damage was caused by circumstances beyond his control. If materials are abandoned or are not used during the program year, they may, at the option of the State committee, be transferred to another producer or otherwise disposed of by the State committee at the expense of the producer who abandoned or failed to use the materials, or be retained by the producer for use in a subsequent program year.

(g) *General provisions relating to payments*—(1) *Failure to maintain practices under previous programs.* If the county committee determines that any conservation practice carried out under previous agricultural conservation programs is not maintained in accordance with good farming practices, or the effectiveness of any such practice is destroyed during the 1948 program year, a deduction shall be made for the extent of the practice destroyed or not maintained. The deduction rate shall be the 1948 practice rate or, if the practice is not offered in 1948, the practice rate in effect during the year the practice was performed. The deduction shall be made from the payment of the person responsible for destroying or not maintaining the practice after the payment has been increased in accordance with the provisions of paragraph (d) of this section.

(2) *Practices defeating purposes of programs.* If the State committee finds that any producer has adopted or participated in any practice which tends to defeat the purposes of the 1948 or previous programs, it may withhold or require to be refunded all or any part of any payment which has been or would be computed for such person.

(3) *Depriving others of payment.* If the State committee finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation) the effect of which would be or has been to deprive any other person of any payment under the program, it may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the amount of any payment which has been or would otherwise be made to him in connection with the 1948 program.

(4) *Failure to carry out approved erosion-control measures.* Payment will not be made to any person with respect to any farm which he owns or operates in a county if the county committee finds that he has been negligent and careless in his farming operations by failing to carry out approved erosion-control measures on land under his control to the extent that any part of such land has become an erosion hazard during the 1948 program year to other land in the community.

(5) *Payment computed and made without regard to claims.* Any payment or share of payment shall be computed and made without regard to questions of title under State law and without deduction of claims for advances (except as provided in subparagraph (6) of this paragraph, and except for indebtedness to the United States subject to set-off under orders issued by the Secretary) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

(6) *Assignments.* Any person who may be entitled to any payment in connection with the 1948 program may assign his payment in whole or in part as security for cash loaned or advances made for the purpose of financing the making of a crop in 1948. No assignment will be recognized unless it is made in writing on Form ACP–69 in accordance with the instructions provided in ACP–70.

(h) *Application for payment*—(1) *Persons eligible to file applications.* An application for payment with respect to a farm may be made by any producer who is entitled to share in the payment determined for the farm. The application will be completed and transmitted to the State office, but it need not be signed by the producer if all the following apply: (i) His only payment is earned with conservation materials or services furnished by the ACP Branch, (ii) the credit value of the practices carried out is $200 or more, and (iii) the cost to the ACP Branch of the materials or services is equal to the value of the practices carried out.

(2) *Time and manner of filing applications and information required.* Payment will be made only upon application submitted on the prescribed form to the county office. Payment may be withheld from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another. Any application for payment may be rejected if any form or information required of the applicant is not submitted to the county office within the time fixed by the Director, ACP Branch, which time shall not be later than December 31, 1949. At least two weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms or required information, and any time limit fixed shall afford a full and fair opportunity to those eligible to file the form or information within the period prescribed. Such notice shall be given by mailing notice to the office of each county committee and making copies available to the press.

(i) *Appeals.* Any producer may, within 15 days after notice thereof is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination in any matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify him of its decision in writing within 15 days after receipt of written request for reconsideration. If the producer is dissatisfied with the decision of the county committee, he may, within 15 days after the decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify him of its decision in writing within 30 days after the submission of the appeal. If he is dissatisfied with the decision of the State committee, he may, within 15 days after its decision is forwarded to or made available to him, request the Director, ACP Branch, to review the decision of the State committee.

Written notice of any decision rendered under this section by the county or State committee shall also be issued to each other producer on the farm who may be adversely affected by the decision.

(j) *State instructions and forms.* The State committee, under the general supervision of the ACP Branch, is authorized to make determinations, and to prepare and issue instructions and forms required in implementing the administration of the 1948 program as contained in this section and related regulations, except that a form designed to obtain information from producers must be approved by the Director, ACP Branch.

(k) *Definitions.* For the purposes of the 1948 program:

(1) "Secretary" means the Secretary of Agriculture of the United States.

(2) "Director" means the Director of the Agricultural Conservation Program Branch, Production and Marketing Administration.

(3) "State committee" means the group of persons designated within any State to assist in the administration of the agricultural conservation program in that State.

(4) "County committee" means the group of persons elected within any county to assist in the administration of the agricultural conservation program in that county.

(5) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also (i) any other adjacent or nearby farm or range land which the county committee, in accordance with instructions issued by the ACP Branch, determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and (ii) any field-rented

tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops. A farm shall be regarded as located in the county in which the principal dwelling is situated or, if there is no dwelling thereon, it shall be regarded as located in the county in which the major portion of the farm is located.

(6) "Person" means an individual, partnership, association, corporation, estate or trust, or other business enterprise or other legal entity, and, wherever applicable, a State, a political subdivision of a State or any agency thereof.

(7) "Producer" means any person who, as landlord, tenant, or sharecropper, participates in the operation of a farm.

(8) "Cropland" means farm land which in 1947 was tilled or was in regular rotation, excluding any land which constitutes, or will constitute if such tillage is continued, a wind-erosion hazard to the community, and excluding also any land in commercial orchards.

(9) "Noncrop open pasture land" means pasture land (other than rotation pasture land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

(l) *Authority, availability of funds, and applicability—(1) Authority.* The program is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1148, 16 U. S. C. 590g–590q; Public Law 546, 79th Congress; Public Laws 249, 266, 80th Congress)

(2) *Availability of funds.* The provisions of the 1948 program are necessarily subject to such legislation as the Congress of the United States may hereafter enact; the making of the payments herein provided is contingent upon such appropriation as the Congress may hereafter provide for such purposes, and the amounts of such payments will necessarily be within the limits finally determined by such appropriation.

The funds provided for the 1948 program will not be available for payment of applications filed in the county office after December 31, 1949.

(3) *Applicability.* The provisions of the 1948 program contained herein are not applicable to (i) any department or bureau of the United States Government or any corporation wholly owned by the United States; and (ii) grazing lands owned by the United States which were acquired or reserved for conservation purposes or which are to be retained permanently under Government ownership, including, but not limited to, grazing lands administered under the Taylor Grazing Act by the Bureau of Land Management or the Fish and Wildlife Service of the United States Department of the Interior, or by the Forest Service or the Soil Conservation Service of the United States Department of Agriculture.

The program is applicable to (i) privately owned lands; (ii) lands owned by a State or political subdivision or agency thereof; (iii) lands owned by corporations which are partly owned by the United States, such as Federal Land Banks and Production Credit Associations; (iv) lands temporarily owned by the United States or a corporation wholly owned by it which were not acquired or reserved for conservation purposes, including lands administered by the Farmers Home Administration, the Reconstruction Finance Corporation, the Home Owners' Loan Corporation, the Federal Farm Mortgage Corporation, the Departments composing the National Military Establishment, or by any other Government agency designated by the ACP Branch; (v) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it; and (vi) Indian lands, except that where grazing operations are carried out on Indian lands administered by the Department of the Interior, such lands are within the scope of the program only if covered by a written agreement approved by the Department of the Interior giving the operator an interest in the grazing and forage growing on the land and a right to occupy the land in order to carry out the grazing operations.

(m) *Approved conservation practices—(1) Standard terraces.* Construction of standard terraces with a settled minimum ridge cross-section of at least 10 square feet, on slopes of not more than 10 percent. Proper outlets must be provided. The terraces and outlets must conform to the minimum specifications required by the State committee.

Payment rate: $1.50 per 100 linear feet.

(2) *Contouring intertilled crops.* (i) Contour farming of intertilled crops, provided the crop stubble is left standing or a good stand of a winter cover crop is obtained, when necessary to control erosion. No deviation in excess of 3 feet in 100 feet will be permitted. If there is danger of erosion in waterways, such waterways must be permanently established in sod, and buffer strips must be established if necessary. Contour lines must be laid out with an approved instrument. No credit will be given for this practice for any acreage qualifying under the practice contained in subparagraph (3) of this paragraph.

Payment rates: (*a*) $1.00 per acre where all cultural operations prior to and in connection with the preparation and tilling of the crop are on the contour.

(*b*) $0.50 per acre where only planting and cultivating are on the contour.

(3) *Establishing contour strip cropping.* Establishing alternate strips of intertilled crops with sown, close-drilled, or sod crops, on the contour: *Provided* (i) The strips are approximately the same width; (ii) the strips are not less than 3 rods nor more than 10 rods in width; (iii) the crop stubble is left standing or a good stand of a winter cover crop is obtained; (iv) contour lines are laid out with an approved instrument; and (v) sufficient waterways are provided. When it is necessary, because of crop rotations, to have 2 adjacent strips of sown, close-drilled, or sod crops, credit may be given for the entire field. All farming operations must be on the contour. No payment will be made for maintaining a strip cropping system established prior to 1948.

Payment rate: $2.50 per acre.

(4) *Establishing sod waterways and terrace outlets.* (i) Establishing a terrace outlet on farm land where a terrace system is planned, or a permanent sod waterway in a waterway channel on any cropland, land broken to become cropland in 1948, or in a cultivated orchard. The channel of the waterway must have a minimum width of 1 rod at the narrowest point and be wide enough to carry the run-off from the drainage area. The sod waterway may be established by plowing or disking, leveling, and otherwise preparing a good seedbed, fertilizing and liming if necessary, and seeding perennial grasses and legumes to establish a sod. A seeding of sorghum, corn, small grain, or similar crops may be used to hold the soil while a stand of grass is established. The waterway must contain a good stand and a good growth of perennial grasses and legumes. No payment will be made when the field is all in grass or hay crops. No payment will be made on a sod waterway established prior to 1948, unless the county committee determines, by inspection and prior approval, that it is necessary to tear up the old sod, cultivate, relevel, and establish a new sod cover in the waterway. No payment can be made under (*b*) below, unless the waterway is completed and eligible for payment under (*a*) below. Payment may be made under (*b*) below only when a member or representative of the county committee makes prior inspection and determines, for purpose of payment, the yards of earth to be moved.

Payment rates: (*a*) $0.75 per 1,000 square feet for cultivation and establishing the sod, and

(*b*) $0.06 per cubic yard for moving earth with other than usual farm equipment.

(5) *Construction of open farm drainage ditches.* Construction or enlargement of open farm drainage ditches (except ditches constructed or maintained by a drainage district) including lateral and lead ditches for which proper outlets are provided and adequate provision is made for the entrance of water into and out of the ditches. No credit will be given for material moved in cleaning the ditch.

Payment rate: $0.06 per cubic yard.

(6) *Tile drainage.* Installation of tile drains, provided the size of tile, outlets, and gradient meet the specifications for standard drainage as required by the State committee. No credit will be given if the tile lines are used for any purpose other than the draining of agricultural land.

Payment rate: $0.40 per rod.

(7) *Diversion terraces.* Construction of diversion terraces with a minimum settled ridge cross-section of at least 10 square feet above the original ground level. Proper outlets must be provided. The diversion terrace and outlet should be located and constructed in accordance

with designs prepared locally by a qualified engineer.

Payment rate: $0.06 per cubic yard.

(8) *Dams and reservoirs for livestock water* (i) Construction of earthen dams or ponds for providing water for livestock. The dam or pond must be constructed to provide at least 6 feet of water at the deepest point, and must have a drainage area of not less than 3 acres nor more than 10 acres if a vegetative side spillway is used. The watershed must be in a sod crop or, if cultivated, must be protected by suitable conservation practices. Drainage from a barnyard must not be permitted to enter the pond. The dam and pond must be fenced to exclude stock, the water must be piped out to a tank, and permanent vegetative cover must be established on the bank. Dam sites must be located on soils which are water-retentive to prevent excessive seepage. Protected side spillways of sufficient size to discharge the excess water must be provided. The channel from the spillway must be extended far enough to carry the surplus water away from the fill and onto a well-sodded channel or slope leading to a natural waterway. The lap of the settled fill must be 3 feet higher than the bottom of the side spillway for dams of 10 feet or less in height, and 4 feet higher for dams over 10 feet in height. Earthen dams must be constructed with minimum slopes of 3 to 1 on the upstream side and 2 to 1 on the downstream side. There must be 1 foot of crown width for each foot in height of fill up to 10 feet. The pond site must be cleared of vegetation, trash, and debris before the fill is placed. Where porous material or silt is found on the site, a core trench must be constructed under the centerline of the fill. The core trench must be at least 3 feet wide and must extend through the porous layer into clay and must be backfilled with well-compacted clay. Earth must be placed in the fill in layers of 6 to 12 inches which are well compacted with heavy equipment as each layer is placed. The fill material must not contain appreciable concentrations of vegetation, large rocks, frozen soils, or other foreign substances and must be moist enough to secure adequate compaction. The development must contribute to better pasture management.

Payment rates: (*a*) $0.08 per cubic yard for earth or other material moved.

(*b*) $40.00 for laying pipe, constructing fence, and establishing permanent vegetative cover on the dam; provided the county committee determines that the cost of these items exceeds $80.00.

(9) *Dams for erosion control.* (i) Construction of earthen or concrete dams for the control of erosion of farm land. The county committee must specify for each project the minimum specifications which must be met to provide adequate protection against the destruction of the dam by excessive runoff and sufficient retardation of floodwaters to prevent erosion below the dam.

Payment rates: (*a*) $0.06 per cubic yard for earth or other material moved.

(*b*) $9.00 per cubic yard for concrete.

(10) *Seeding or reseeding of cropland or noncrop open pasture for the establishment or improvement of permanent pasture or prevention of erosion on steep slopes.* Payment will be made for carrying out the following: (i) Applying limestone and fertilizer when necessary· (ii) disking, spring-toothing, or plowing sufficiently to prepare a good seedbed; (iii) making a full seeding of one of the mixtures listed below; (iv) delaying grazing until a good stand has been established, controlling grazing during the remainder of the pasture season, and removing the stock early enough in the fall to permit a good growth of the pasture before winter· and (v) mowing weeds, if necessary, a sufficient number of times to prevent seed formation and to control growth. Seedings must be of high quality, locally adapted grasses and legumes. Approval must not be given unless the county committee determines that the land will become bona fide permanent pasture. No payment will be made if a hay crop is harvested in 1948. If certain seeds in the mixtures below are not available or, because of local conditions, the mixtures are not adaptable, the county committee may approve a substitute mixture, provided the cost of the substituted mixture is approximately the same as the mixture for which substitution is made. Limestone and fertilizer, if used, may qualify for payment under the practices contained in subparagraphs (14) and (15) of this paragraph.

Payment rates: (*a*) $4.00 per acre for seeding consisting of 7 pounds of bromegrass, 10 pounds of alfalfa, and 3 pounds of red clover.

(*b*) $2.00 per acre for seedings consisting of 7 pounds of sweetclover, 3 pounds of red clover, 2 pounds of alsike clover, and 5 pounds of timothy or bluegrass.

(*c*) $1.50 per acre for seeding 15 pounds of lespedeza and 5 pounds of timothy or bluegrass, in the fall or early spring.

(11) *Tree planting.* (i) Prior approval of the site and the variety of the tree to be planted must be obtained from the county committee. The plantings must be in accordance with good tree culture, and the new planting must be protected from fire and grazing. The following varieties of trees may be approved for payment, provided they are adapted to the particular soil type, climatic conditions, moisture conditions, and site. No payment will be made for planting white pine, unless all currant and gooseberry bushes are removed from the area and throughout a protective border.

(*a*) *For forest purposes.* White ash, black cherry, cottonwood, red elm, hackberry, shagbark hickory, hard maple, red maple, black oak, red oak, white oak, black walnut, eastern white pine, jack pine, Virginia pine, red pine, and eastern red cedar.

Payment rate: $1.00 per 100 trees.

(*b*) *For gully control.* Green ash, cottonwood, red elm, hackberry, black locust, red maple, Osage-orange, eastern white pine, jack pine, red pine, Virginia pine, and eastern red cedar.

Payment rate: $1.00 per 100 trees.

(*c*) *For windbreaks and shelter belts.* Green ash, hardy catalpa, cottonwood, red elm, hackberry, soft maple, Osage-orange, black walnut, eastern white pine, jack pine, red pine, western yellow pine, eastern red cedar, white cedar, Douglas fir, Norway spruce, blue spruce, and blackhills spruce.

Payment rate: $1.00 per 100 trees.

(12) *Planting orchards and vineyards on the contour* Lines must be run with an approved instrument. If the land is cultivated after the lines are run, all cultivation must be on the contour.

Payment rate: $7.50 per acre.

(13) *Weed control on farm land.* (i) Eradication or effective control of seriously infested plots of the following perennial noxious weeds: Bindweed, quackgrass, Canada thistle, perennial peppergrass, leafy spruge, horse nettle, Russian knapweed, and perennial sow thistle. Payment for this practice may be approved only where the county committee determines there is no likelihood of reinfestation.

Payment rates: (*a*) $0.06 per pound for the application of sodium chlorate or other chemicals (excluding oil) approved by the State committee.

(*b*) $1.50 per pound (acid ingredient) for the application of 2, 4-D (dichlorophenoxyacetic acid).

(14) *Liming materials.* (i) Payment will be made for applying liming materials meeting the specifications shown, except that a correspondingly greater amount of the material must be required if the material does not meet the specifications. No payment will be approved by the county committee unless the applicant can show the need for lime. Payment rates for the following materials may be obtained from the county or State committee:

(*a*) One ton of agricultural ground limestone containing at least 80 percent calcium carbonate equivalent and ground sufficiently fine so that 80 percent, including all of the finer particles obtained in the grinding process, will pass through a U. S. Standard No. 8 mesh sieve and 20 percent through a U. S. Standard No. 100 mesh sieve. The moisture content at the time of shipment must not exceed 8 percent. The calcium carbonate equivalent and the percent passing through a U. S. Standard No. 8 sieve must be at least 80 and one or both must be greater than 80 so that the multiplication of the percent of calcium carbonate equivalent by the percent of material passing through a U. S. Standard No. 8 sieve will be equal to or in excess of 0.72.

(*b*) One ton of calcium carbide refuse lime containing at least 85 percent calcium carbonate and testing not more than 35 percent moisture at the shipping point.

(*c*) One cubic yard of water-softening process lime containing at least 70 percent calcium carbonate equivalent.

(*d*) One cubic yard of marl containing not less than 70 percent calcium carbonate equivalent.

(*e*) One ton of button dust containing not less than 80 percent calcium carbonate equivalent.

(*f*) One ton of hydrated lime.

(*g*) One ton of No. 2 limestone containing at least 70 percent calcium carbonate equivalent and ground sufficiently fine so that 80 percent, including all of the finer particles obtained in

the grinding process, will pass through a U. S. Standard No. 8 sieve and 20 percent through a U. S. Standard No. 100 sieve. The moisture content at the time of shipment must not exceed 8 percent. The percentage for calcium carbonate content and the percent of material passing through a U. S. Standard No. 8 sieve must be such that the multiplication of these percentages will be equal to or in excess of 0.63.

(15) *Fertilizers.* Application of superphosphate or potash to (i) pastures; (ii) new seedings of biennial or perennial legumes, or perennial grasses or Hubam clover with or without a nurse crop (1947 fall seedings of small grain which are overseeded with a grass or legume in the spring of 1948 are considered as eligible crops) (iii) old stands of biennial and perennial legumes or perennial grasses, provided the acreage on which such applications are made is not cultivated for, devoted to, or plowed for any other crop prior to January 1, 1949, and (iv) cover crops in orchards.

No payment will be made for the application of fertilizer to (i) new seedings of biennial or perennial legumes, winter legumes, Hubam clover, or perennial grasses if the land is plowed prior to January 1, 1949, unless such application was made prior to or at substantially the same time the grass or legume crop was seeded; and (ii) pastures, if such application is at a time of the year when most of the benefit from the fertilizer will accrue to soil-depleting crops planted in the fall or in the following spring.

Application of rock phosphate containing at least 30 percent phosphoric acid, or colloidal phosphate testing at least 18 percent phosphoric acid, to any crop.

Mixtures of fertilizers, other than shown below, will be computed on the basis of (*a*) and (*c*) below.

Payment rates: (*a*) $3.00 per 100 pounds of available P_2O_5 in supherphosphate containing 20 percent or less available P_2O_5.

(*b*) $2.50 per 100 pounds of available P_2O_5 in superphosphate containing more than 20 percent P_2O_5.

(*c*) $2.00 per 100 pounds of available K_2O in potash.

(*d*) $0.81 per 100 pounds of 0–9–27.
(*e*) $0.70 per 100 pounds of 0–10–20.
(*f*) $0.60 per 100 pounds of 0–12–12.
(*g*) $0.56 per 100 pounds of 0–14–7.
(*h*) $0.70 per 100 pounds of 0–14–14.
(*i*) $0.54 per 100 pounds of 0–18–0.
(*j*) $0.57 per 100 pounds of 0–19–0.
(*k*) $0.60 per 100 pounds of 0–20–0.
(*l*) $0.80 per 100 pounds of 0–20–10.
(*m*) $1.00 per 100 pounds of 0–20–20.
(*n*) $0.48 per 100 pounds of 2–12–6.
(*o*) $0.63 per 100 pounds of 3–9–18.
(*p*) $0.60 per 100 pounds of 3–12–12.
(*q*) $0.72 per 100 pounds of 3–18–9.
(*r*) $0.42 per 100 pounds of 4–10–6.
(*s*) $0.44 per 100 pounds of 4–12–4.
(*t*) $0.48 per 100 pounds of 4–16–0.
(*u*) $0.26 per 100 pounds of 10–6–4.
(*v*) $0.30 per 100 pounds of rock phosphate containing at least 30 percent phosphoric acid.
(*w*) $0.15 per 100 pounds of colloidal phosphate testing at least 18 percent phosphoric acid.

(16) *Green manure crops.* Turning under a good stand and a good growth of (i) alsike, sweetclover, or red clover seeded in 1947 or 1948; or (ii) 1947 fall seedings of winter rye plowed in the spring of 1948. If the land is subject to erosion and the green manure is turned under in the fall, the land must be protected by a winter cover crop.

Payment rate: $1.00 per acre.

(17) *Local conservation practice.* The county committee may select one practice of a local nature as provided in paragraph (b) (2) of this section.

Payment rate: The rate of payment must be within the rates established for similar practices included in the National Bulletin.

(18) *Special conservation practice.* The county committee may select one special practice as provided in paragraph (b) (3) of this section.

Payment rate: The rate of payment must be within the rates established for practices in the National Bulletin.

(Secs. 7–17, 49 Stat. 1148–1151, as amended, 60 Stat. 663, Pub. Laws 249, 266, 80th Cong., 61 Stat. 493, 523; 16 U. S. C. and Sup. 590g–590q)

Approved: December 5, 1947.

[SEAL] THOMAS B. JOYCE,
Acting Director Agricultural Conservation Programs Branch.

[F. R. Doc. 47-11036; Filed, Dec. 15, 1947; 8:50 a. m.]

PART 725—BURLEY AND FLUE-CURED TOBACCO

[Tobacco 13 (1948) Part I, Supp. 1]

MARKETING QUOTA REGULATIONS, 1948–49

The amendment herein is based on the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1311–1314, inclusive) and is made for the purpose of clarifying and broadening the county and State committees' authority contained in § 725.421 (a) of the Marketing Quota Regulations, Burley and Flue-cured Tobacco, 1948–49 Marketing Year, Part I (12 F. R. 5501) relating to the establishment of farm acreage allotments in the case of farms which are subdivided. Prior to adoption of this amendment, notice was given (12 F. R. 6785) that the Secretary of Agriculture was considering amending the regulations to accomplish the purpose mentioned above and that any interested person might express his views in writing with respect thereto.

The Marketing Quota Regulations, Burley and Flue-cured Tobacco, 1948–49 Marketing Year, Part I, are amended by striking out the proviso in paragraph (a) of § 725.421 *Farms subdivided or combined,* and inserting in lieu thereof the following: "*Provided,* That with the recommendation of the county committee and the approval of the State committee, the tobacco acreage allotment determined for a tract under the provisions of this paragraph may be increased or decreased by not more than the larger of one-tenth acre or 10 percent of the 1948 acreage allotment determined for the entire farm with corresponding increases or decreases made in the acreage allotments apportioned to the other tract or tracts."

(52 Stat. 38, 47, 66, 53 Stat. 1261, 54 Stat. 392, 56 Stat. 51, 57 Stat. 307, 58 Stat. 136, 60 Stat. 21; 7 U. S. C. and Sup. 1301 (b), 1313, 1375)

Done at Washington, D. C. this 10th day of December 1947.

Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 47-11010; Filed, Dec. 15, 1947; 8:49 a. m.]

[Tobacco 12, Part I (1948)]

PART 726—FIRE-CURED AND DARK AIR-CURED TOBACCO

MARKETING QUOTA REGULATIONS, 1948–49

GENERAL

AUTHORITY: §§ 726.811 to 726.826, inclusive, issued under sec. 301, 52 Stat. 38, as amended, 60 Stat. 21; 7 U. S. C. and Sup. 1301 et seq.

GENERAL

§ 726.811 *Basis and purpose.* The regulations contained in §§ 726.811 to 726.826, inclusive, are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1948 farm acreage allotments and normal yields for fire-cured and dark air-cured tobacco. The purpose of the regulations in §§ 726.811 to 726.826, inclusive, is to provide the procedure for allocating on an acreage basis the national marketing quotas for fire-cured and dark air-cured tobacco for the 1948–49 marketing year among farms and for determining normal yields. Prior to preparing the regulations in §§ 726.811 to 726.826, inclusive, notice of a public hearing (12 F. R. 6330) was given in accordance with the Administrative Procedure Act (60 Stat. 237) and a hearing

was held at Clarksville, Tennessee, on October 15, 1947. The data, views, and recommendations of growers of fire-cured and dark air-cured tobacco and other interested persons received at the hearing and those submitted in writing as provided in the notice have been duly considered, within the limits prescribed by the Agricultural Adjustment Act of 1938, in formulating the procedural provisions of the regulations in §§ 726.811 to 726.826, inclusive, and making the determinations with respect to the acreage available for allotment.

§ 726.812 *Definitions.* As used in §§ 726.811 to 726.826, inclusive, and in all instructions, forms, and documents in connection therewith the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) *Committees.* (1) "Community committee" means the group of persons elected within a community to assist in the administration of the Agricultural Conservation Program in such community.

(2) "County committee" means the group of persons elected within a county to assist in the administration of the Agricultural Conservation Program in such county.

(3) "State committee" means the group of persons designated as the State committee of the Production and Marketing Administration charged with the responsibility of administering Production and Marketing Administraton programs within the State.

(b) "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Assistant Administrator for Production, Production and Marketing Administration, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

(c) "New farm" means a farm on which tobacco will be produced in 1948 for the first time since 1942.

(d) "Old farm" means a farm on which tobacco was produced in one or more of the five years 1943 through 1947.

(e) "Cropland" means that land on the farm which is included as cropland for purposes of the 1947 Agricultural Conservation Program but shall not include wood or wasteland from which no cultivated crop was harvested in any of the years 1943 through 1947.

(f) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(g) "Person" means an individual, partnership, association, corporation, estate or trust or other business enterprise or other legal entity, and whenever applicable, a State, a political subdivision of a State or any agency thereof.

(h) "Tobacco" means fire-cured tobacco, types 21, 22, 23, and 24, or dark air-cured tobacco, types 35 and 36, as classified in Service and Regulatory Announcement No. 118 (7 CFR, Part 30) of the Bureau of Agricultural Economics of the United States Department of Agriculture, or both, as indicated by the context. Any tobacco that has the same characteristics and corresponding qualities, colors, and lengths as either fire-cured or dark air-cured tobacco shall be considered fire-cured or dark air-cured regardless of any factors of historical or geographical nature which cannot be determined by examination of the tobacco.

§ 726.813 *Extent of calculations and rule of fractions.* All acreage allotments shall be calculated to the nearest one-tenth acre. Fractions of fifty-one thousandths of an acre or more shall be rounded upward, and fractions of five hundredths of an acre or less shall be dropped. For example, 1.051 would be 1.1 and 1.050 would be 1.0.

§ 726.814 *Instructions and forms.* The Director, Tobacco Branch, Production and Marketing Administration, shall cause to be prepared and issued such instructions and forms as may be deemed necessary for carrying out §§ 726.811 to 726.826, inclusive.

§ 726.815 *Applicability of §§ 726.811 to 726.826, inclusive.* Sections 726.811 to 726.826, inclusive, shall govern the establishment of farm acreage allotments and normal yields for tobacco in connection with farm marketing quotas for the marketing year beginning October 1, 1948.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 726.816 *Determination of acreage allotments for old farms.* The tobacco acreage allotment for an old farm shall be 65 percent of the 1947 acreage allotment for the farm in the case of fire-cured tobacco, and 75 percent of the 1947 acreage allotment for the farm in the case of dark air-cured tobacco, unless adjusted in accordance with §§ 726.817, 726.818, and 726.819. For the purpose of this section, the 1947 acreage allotment shall include any acreage by which the 1947 allotment for the farm was reduced because of a violation of the marketing quota regulations for a prior marketing year.

No allotment shall be established under this section for any farm on which no tobacco was produced in any of the five years 1943 to 1947, inclusive.

§ 726.817 *Adjustments of acreage allotments for old farms.* The allotment for an old farm may be adjusted if the community committee, with the approval of the county committee, finds it to be smaller in relation to the past acreage of tobacco (harvested and diverted) land, labor, and equipment available for the production of tobacco; and crop-rotation practices, than the average acreage of the allotments for other old farms in the community in relation to such factors: *Provided,* That the allotment as adjusted shall not exceed the smaller of (a) acreage capacity of curing barns located on the farm which are in usable condition and available for curing tobacco, or (b) 25 percent of the cropland in the farm. An allotment may be established for any farm on which tobacco was harvested in 1947 for which no acreage allotment was established. Such allotment shall be subject to the limitations in the proviso in this section, and shall not exceed the larger of 0.5 acre or 20 percent of the 1947 harvested acreage. The acreage available in any State for adjusting and establishing allotments pursuant to this paragraph shall not exceed two percent of the total acreage allotted to all farms in such State for the 1943–44 marketing year.

§ 726.818 *Reduction of acreage allotment for violation of the marketing quota regulations for a prior marketing year* (a) If tobacco was marketed or was permitted to be marketed in any marketing year as having been produced on any farm which in fact was produced on a different farm, the acreage allotments established for both such farms for 1948 shall be reduced by the amount of tobacco so marketed: *Provided,* That such reduction for any such farm shall not be made if the county committee determines that no person connected with such farm caused, aided or acquiesced in such marketing.

(b) The operator of the farm shall furnish complete and accurate proof of the disposition of all tobacco produced on the farm at such time and in such manner as will insure payment of the penalty due and in the event of refusal or failure for any reason to furnish such proof, the acreage allotment for the farm shall be reduced by that amount of tobacco with respect to which accurate proof of disposition has not been furnished: *Provided,* That if the farm operator establishes to the satisfaction of the county and State committees that failure to furnish such proof of disposition was unintentional on his part and that he could not reasonably have been expected to furnish accurate proof of disposition, reduction of the allotment will not be required if the failure to furnish proof of disposition is corrected and payment of all additional penalty due is made.

(c) Any reduction shall be made with respect to the 1948 farm acreage allotment, provided it can be made prior to the delivery of the marketing card to the farm operator. If the reduction cannot be so made effective with respect to the 1948 crop, such reduction shall be made with respect to the farm acreage allotment next established for the farm. This section shall not apply if the allotment for any prior year was reduced on account of the same violation.

(d) The amount of tobacco involved in the violation will be converted to an acreage basis by dividing such amount of tobacco by the actual yield for the farm during the year in which such tobacco was produced, or, if the actual yield cannot be determined, by the estimated

actual yield determined by the county committee for the farm for such year.

§ 726.819 *Reallocation of allotments released from farms removed from agricultural production.* The allotment determined or which would have been determined for any land which is removed from agricultural production because of acquisition by a Federal or State agency for any purpose shall be placed in a State pool and shall be available to the State committee for use in providing equitable allotments for farms owned or purchased by owners displaced because of acquisition of their farms by a Federal or State agency. Upon application to the county committee, within five years from the date of acquisition of the farm by a Federal or State agency, any owner so displaced shall be entitled to have an allotment for any other farm owned or purchased by him equal to an allotment which would have been determined for such other farm plus the allotment which would have been determined for the farm acquired by the Federal or State agency: *Provided,* That such allotment shall not exceed 20 percent of the acreage of cropland on the farm.

The provisions of this section shall not be applicable if (a) there is any marketing quota penalty due with respect to the marketing of tobacco from the farm or by the owner of the farm at the time of its acquisition by the Federal or State agency; (b) any tobacco produced on such farms has not been accounted for as required by the Secretary; or (c) the allotment next to be established for the farm acquired by the Federal or State agency would have been reduced because of false or improper identification of tobacco produced on or marketed from such farm.

§ 726.820 *Farms subdivided or combined.* (a) If land operated as a single farm in 1947 will be operated in 1948 as two or more farms, the 1948 tobacco acreage allotment determined or which otherwise would have been determined for the entire farm shall be apportioned among the tracts in the same proportion as the acreage of cropland suitable for the production of tobacco in each such tract in such year bore to the total number of acres of cropland suitable for the production of tobacco on the entire farm in such year, except that if the farm to be subdivided in 1948 resulted from a combination of two separate and distinct farms prior to a combination in 1943 or any subsequent year, the allotment may be divided among such farms in the same proportion that each contributed to the farm acreage allotment: *Provided,* That with the recommendation of the county committee and the approval of the State committee, the tobacco acreage allotment determined for a tract under the provisions of this paragraph may be increased or decreased by not more than the larger of one-tenth acre or 10 percent of the 1948 acreage allotment determined for the entire farm with corresponding increases or decreases made in the acreage allotments apportioned to the other tract or tracts.

(b) If two or more farms operated separately in 1947 are combined and operated in 1948 as a single farm, the 1948 allotment shall be the sum of the 1948 allotments determined for each of the farms composing the combination.

(c) If a farm is to be subdivided in 1948 in settling an estate, the allotment may be divided among the various tracts in accordance with paragraph (a) of this section, or on such other basis as the State committee may prescribe.

§ 726.821 *Determination of normal yields.* The normal yield for any old farm shall be that yield which the county committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the five years 1942–46; (b) the soil and other physical factors affecting the production of tobacco on the farm; and (c) the yields obtained on other farms in the locality which are similar with respect to such factors.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 726.822 *Determination of acreage allotments for new farms.* The acreage allotment, other than an allotment made under § 726.819, for a new farm shall be that acreage which the county committee determines is fair and reasonable for the farm taking into consideration the past tobacco experience of the farm operator; the land, labor, and equipment available for the production of tobacco; crop-rotation practices; the soil and other physical factors affecting the production of tobacco: *Provided,* That the acreage allotment so determined shall not exceed 75 percent of the allotment for old farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop-rotation practices, and the soil and other physical factors affecting the production of tobacco.

Notwithstanding any other provisions of this section, a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met:

(a) The farm operator shall have had experience in growing the kind of tobacco for which an allotment is requested either as a sharecropper, tenant, or as a farm operator during two of the past five years: *Provided, however,* That a farm operator who has been in the armed services shall be deemed to have met the requirements hereof if he has had experience in growing the kind of tobacco for which an allotment is requested during one year either within five years immediately prior to his entry into the armed services or since his discharge from the armed services.

(b) The farm operator shall live on and be largely dependent for his livelihood on the farm covered by the application unless the community committee, with the approval of the county committee, determines that he does not live on the farm because of conditions beyond his control, such as inability to obtain material with which to repair or construct a house on the farm.

(c) The farm covered by the application shall be the only farm owned or operated by the farm operator for which a fire-cured or dark air-cured tobacco allotment is established for the 1948–49 marketing year; and

(d) The farm will not have a 1948 allotment for any kind of tobacco other than that for which application is made hereunder.

The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. The acreage available for establishing allotments for new farms shall be one percent of the total acreage allotted to all farms for the 1943–44 marketing year.

§ 726.823 *Time for filing application.* An application for a new farm allotment shall be filed with the county committee prior to February 1, 1948, unless the farm operator was discharged from the armed services subsequent to December 31, 1947, in which case such application shall be filed within a reasonable period prior to planting tobacco on the farm.

§ 726.824 *Determination of normal yields.* The normal yield for a new farm shall be that yield per acre which the county committee determines is normal for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

§ 726.825 *Determination of acreage allotments and normal yields for farms returned to agricultural production.* (a) Notwithstanding the foregoing provisions of §§ 726.811 to 726.824, inclusive, the acreage allotment for any farm which was acquired by a Federal or State agency for any purpose and which is returned to agricultural production in 1948, or which was returned to agricultural production in 1947 too late for the 1947 allotment to be established, shall be determined by one of the following methods:

(1) If the land is acquired by the original owner, any part of the acreage allotment which was or could have been established for such farm prior to its retirement from agricultural production which remains in the State pool (adjusted to reflect the uniform increases and decreases in comparable old farm allotments since the farm was acquired by the Federal or State agency) may be established as the 1948 allotment for such farm by transfer from the pool, and if any part of the allotment for such land was transferred by the original owner through the State pool to another farm now owned by him, such owner may elect to transfer all or any part of such allotment (as adjusted) to the farm which is returned to agricultural production.

(2) If the land is acquired by a person other than the original owner, or if all of the allotment was transferred through the State pools to another farm and the original owner does not now own the farm to which the allotment was transferred, the farm returned to agricultural production shall be regarded as a new farm.

(b) The normal yield for any such farm shall be that yield per acre which the county committee determines is reasonable for the farm as compared with

yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

§ 726.826 *Approval of determinations made under §§ 726.811 to 726.826, inclusive.* The State committee will review all allotments and yields and may correct or require correction of any determinations made under §§ 726.811 to 726.826, inclusive. All acreage allotments and yields shall be approved by the State committee and no official notice of acreage allotment shall be mailed to a grower until such allotment has been approved by the State committee.

Done at Washington, D. C., this tenth day of December 1947. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 47-11011; Filed Dec. 15, 1947; 8:46 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 927—MILK IN THE NEW YORK METROPOLITAN MARKETING AREA

DETERMINATION OF DESIRABLE UTILIZATION OF MILK RECEIVED FROM PRODUCERS

Pursuant to the provisions of § 927.3 (a) (4) (iv) (11 F R. 11117) of the order, as amended, regulating the handling of milk in the New York metropolitan marketing area, a meeting was held at New York, New York, on November 29, 1947, after giving actual notice thereof to all handlers operating reserve pool plants, to consider the desirable utilization of milk received from producers during December 1947. After consideration of all relevant data, views, or arguments presented at such meeting, it is hereby found and determined:

§ 927.201 *Desirable utilization of milk received from producers during December 1947* The desirable utilization of milk received from producers during December 1947 shall be in accordance with the following schedule:

Specified classes of milk:	*Minimum percentage*
Class I-A, and Class I-C to the extent of 50 percent of the milk received by a handler from producers which is ultimately distributed in the area specified in Sec. 927.3 (a) (4) (iv) (b) of the order, as amended	84

It is hereby further found and determined that the issuance of this determination effective December 1, 1947, is necessary to effectuate the terms and provisions of said order, as amended, and the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, and to insure a sufficient quantity of pure and wholesome milk in said marketing area during December 1947. (48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq., 7 CFR, 1945 Supp., 927.1 et seq., as amended)

Issued this 29th day of November 1947.

[SEAL] C. J. BLANFORD,
Market Administrator New York Metropolitan Milk Marketing Area.

[F. R. Doc. 47-11009; Filed, Dec. 15, 1947; 8:46 a. m.]

[Orange Reg. 131]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.367 *Orange Regulation 131*— (a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR, 1946 Supp., Part 933, 12 F R. 7383) regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the preliminary notice and public rule making procedure requirements and the 30-day effective date requirement of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order* (1) Orange Regulation 130 (12 F R. 8202) is hereby terminated as of the effective time of this regulation.

(2) During the period beginning at 12:01 a. m., e. s. t., December 17, 1947, and ending at 12:01 a. m., e. s. t., December 22, 1947, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in Regulation Area I which grade U. S. No. 2, U. S. Combination Russet, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade (as such grades are defined in the United States Standards for citrus fruits, as amended (12 F R. 6277))

(ii) Any oranges, except Temple oranges, grown in Regulation Area II which grade U. S. No. 2, U. S. Combination Russett, U. S. No. 2 Russett, U. S. No. 3, or lower than U. S. No. 3 grade (as such grades are defined in the aforesaid amended United States Standards) *Provided,* That any such oranges that grade U. S. No. 2, as aforesaid, may be shipped only if such oranges also meet the additional requirements specified in the U. S. Combination Grade (as such grade is defined in the aforesaid amended United States Standards) for oranges meeting the requirements of the U. S. No. 2 grade; or

(iii) Any oranges, except Temple oranges, grown in the State of Florida which are of a size smaller than a size that will pack 250 oranges, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States Standards), in a standard box (as such box is defined in the standards for containers for citrus fruit established by the Florida Citrus Commission pursuant to section 3 of Chapter 20449, Laws of Florida, Acts of 1941 (Florida Laws Annotated sec. 595.09))

(3) As used in this section, the terms "handler," "ship," "Regulation Area I," and "Regulation Area II" shall have the same meaning as is given to each such term in said amended marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 15th day of December 1947.

[SEAL] C. F KUNKEL,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-11099; Filed, Dec. 15, 1947; 12:02 p. m.]

TITLE 10—ARMY

Chapter III—Claims and Accounts

PART 306—CLAIMS AGAINST THE UNITED STATES

MISCELLANEOUS AMENDMENTS

Correction

In Federal Register Document 47-10657, appearing at page 8072 of the issue for Thursday, December 4, 1947, amendatory paragraph 2 should read:

2. Amend paragraph (f) of § 306.51 as follows:

§ 306.51 *Expenses allowable.* * * *

(f) *For military prisoners.* * * *

(2) Interment at place of death; or interment expenses not to exceed $75.

(i) [Rescinded.]
(ii) [Rescinded.]
(iii) [Rescinded.]
(iv) [Rescinded.]

Chapter VI—Organized Reserves

PART 602—RESERVE OFFICERS' TRAINING CORPS

PAYMENTS OF COMMUTATION OF SUBSISTENCE TO MEMBERS OF UNITS, SENIOR DIVISION

The next to last sentence of § 602.42 (c) (10 CFR, Cum. Supp., 62.42) is superseded by the following:

§ 602.42 *Payments of commutation.* * * *

(c) * * * For each unauthorized absence from an hour of instruction, as defined in § 602.22 (k), an amount equivalent to 2 days' commutation will be deducted from the student's next payment. * * *

[Par. 10, AR 145-20, as amended by sec. I, Cir. 60, Department of the Army,

1947] (Sec. 47, 39 Stat. 192, sec. 34, 41 Stat. 777; 10 U. S. C. 389)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-11013; Filed, Dec. 15, 1947; 8:46 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 5—CLASSIFICATION AND RATES OF POSTAGE

RATES OF POSTAGE ON NEWSPAPERS AND OTHER PERIODICALS ENTERED AS SECOND-CLASS MATTER

Part 5 of Title 39, Code of Federal Regulations, is amended by the addition of a new § 5.47a reading as follows:

§ 5.47a *Summary of second-class postage rates.* Second-class postage rates are shown in the following table which summarizes the provisions of §§ 5.39 to 5.47, inclusive, insofar as they establish rates of postage:

(a) *Within the county of publication.* (1) For delivery at office of mailing having city or village letter-carrier service.

(i) By carrier:[1]

Weekly newspapers: 1 cent per pound.[2]

Newspapers issued more often than weekly: 1 cent per copy.

Periodicals (all publications issued less frequently than weekly)

Copies weighing 2 ounces or less: 1 cent per copy.

Copies weighing over 2 ounces, any weight: 2 cents per copy.

(ii) Through post office boxes or general delivery, and for delivery by rural or star route carriers: 1 cent per pound.[2]

(2) For delivery at offices having city or village letter-carrier service, other than the office of mailing: 1 cent per pound.[2]

(3) For delivery at all offices not having city or village letter-carrier service:

(i) If publication is printed in whole or in part in the county of publication, one copy to each subscriber residing within the county: Free.

(ii) If publication is not printed in whole or in part in the county of publication: 1 cent per pound.[2]

(b) *Outside the county of publication.*[3] (1) All publications except those accepted at the special rate:[4]

(i) Reading portion (also advertising portion when it does not exceed 5 percent of the total space) 1½ cents per pound.[5]

(ii) Advertising portion when it exceeds 5 percent of the total space:

Zone:	*Rate per pound (cents)*[5]
1st and 2d	1½
3d	2
4th	3
5th	4
6th	5
7th	6
8th	7

(2) Special rate publications:[4] Issued by religious, educational, scientific, philanthropic, agricultural, labor or fraternal organizations or associations not organized for profit and none of the net income of which inures to the benefit of any private stockholder or individual, when specifically authorized by the Department:

Reading and advertising portions, combined: 1½ cents per pound.[5]

(c) *Transient second-class rate.* The rate of postage on copies of publications entered as second class matter mailed by others than the publishers or registered news agents, sample copies mailed by the publishers in excess of the quantity entitled by law to be sent at the pound rates, and copies mailed by the publishers to other than subscribers or to persons who may not be included in the legitimate list of subscribers required by the law, is 1 cent for each 2 ounces or fraction thereof, except when the postage at the rates prescribed for fourth-class matter is lower, in which case the latter rates shall apply, computed on each individually addressed copy or package of unaddressed copies, and not on the bulk weight of the copies and packages. Postage at the transient second-class rate must be paid by means of stamps affixed to the copies unless they are mailed as metered or nonmetered matter under the permit system.

(d) *Additional entry.* The 1 cent per pound rate and the free-in-county privilege do not apply to copies of publications mailed at additional entry offices outside the county of publication. Copies so mailed, including weeklies, are subject to the rates for matter addressed to points outside of the county of publication except that copies of publications other than weeklies addressed for local delivery by city or village letter carriers at additional entry offices take the per copy letter-carrier rates of 1 or 2 cents.

(e) *Foreign countries.* (1) The pound rates applicable outside the county of publication apply to copies for the following-named foreign countries: Argentina, Bolivia, Brazil, Chile, Columbia, Costa Rica, Cuba, Dominican Republic, Ecuador, Spanish Guinea, Guatemala, Haiti, Mexico, Morocco (Spanish Zone), Nicaragua, Panama, Paraguay, Peru, Republic of Honduras, Republic of the Philippines, Rio de Oro, Salvador (El), Spain, Uruguay, and Venezuela, the eighth zone rate being applicable to advertising portions of publications subject to the zone rates.

(2) For other foreign countries, except Canada and Newfoundland, the rate is 1½ cents for each 2 ounces or fraction thereof.

(f) *Canada and Newfoundland (including Labrador).* (1) On daily newspapers issued as frequently as six times a week and mailed to bona fide subscribers in Canada and Newfoundland (including Labrador) by publishers or registered news agents the pound rates applicable outside the county of publication apply, the eighth zone rate being applicable to advertising portions of publications subject to the zone rate. On publications issued less frequently than six times a week the rate is 1 cent for each 4 ounces or fraction thereof, calculated on the weight of each package. Separately addressed copies intended for delivery from the same post office may be enclosed under one wrapper addressed to such post office, the postage being affixed to or indicated on the outside wrapper.

(2) Copies of the Sunday issues of daily newspapers sent to subscribers in Canada and Newfoundland who do not subscribe for the weekday issues and copies of such issues sent to news agents in excess of the number regularly sent during the week days are subject to the rate of 1 cent for each 4 ounces or fraction of 4 ounces.

(g) *Inquiries.* Inquiries regarding these rates should be addressed to the Third Assistant Postmaster General, Division of Newspaper and Periodical Mail, Post Office Department, Washington 25, D. C.

(Sec. 5, 13 Stat. 232, sec. 25, 20 Stat. 361, sec. 1, 23 Stat. 387, secs. 1101, 1102, 1103, 1104, 1105, 1106, 40 Stat. 327, 328, secs. 202, 203, 204, 43 Stat. 1067, sec. 5, 45 Stat. 941, 47 Stat. 338, 47 Stat. 579; 39 U. S. C. 283, 286, 287, 288, 289)

Dated: November 28, 1947.

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-11036; Filed, Dec. 15, 1947; 8:49 a. m.]

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[1] The letter-carrier rates also apply to copies of publications other than weeklies admitted to the second class of mail matter (or reentered because of a change in the office of publication) subsequent to June 28, 1932, when mailed at the office of entry for delivery by letter carriers at another post office where the headquarters or general business offices of the publisher are located, unless the postage chargeable at the pound rates from the office of mailing is higher, in which case such higher rates apply.

[2] The cent-a-pound rate applies to the publications mailed by a news agent only when the publications are published within the county in which the news agent is registered. All publications which are not published within the county where mailed by the news agent are chargeable with postage at the rates applicable outside the county of publication, except copies of publications other than weeklies which are subject to the per copy rates when addressed for local delivery by letter carriers.

[3] These rates apply to copies sent from the United States to Alaska, Canal Zone, Canton Island, Guam, Hawaii, Puerto Rico, Samoa, Virgin Islands, and to all other places where the United States mail service, including the Navy and Army mail services, is in operation, the zone rates applying to the advertising portion of copies subject to the zone rates. The zone rate from the place of mailing to the port of embarkation applies to copies addressed for delivery through Navy and Army post offices.

[4] Where the total weight of any one edition or issue of a publication mailed to any one zone does not exceed one pound, the rate of postage is 1 cent for all the copies going to the same zone.

[5] In the case of publications addressed for delivery outside of the county of publication where the number of individually addressed copies or packages of unaddressed copies to the pound is more than 32, the regular rates are increased as follows:

Pieces to pound		*Rates outside county*
Over	*Not over*	
32	48	2 times regular rate
48	64	3 times regular rate
64	80	4 times regular rate
80	96	5 times regular rate
96	112	6 times regular rate

and for each additional 16 individually addressed copies or packages of unaddressed copies or fractional part of such number of copies or packages there may be to the pound the rates of postage shall be correspondingly increased over the regular rates.

PART 29—MAIL SERVICE FOR MEMBERS OF ARMED FORCES OVERSEAS

AIR MAIL WEIGHT LIMIT FOR OVERSEAS APO'S AND FLEET POST OFFICES

Effective December 1, 1947 Part 29 (12 F. R. 6462, 6526) is amended by the addition of a new § 29.13 reading as follows:

§ 29.13 *Air mail.* The limit of weight of air mail to all overseas APO's and

Fleet Post Offices is seventy pounds. (R. S. 161, 396, Secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

Dated: November 28, 1947.

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-11005; Filed, Dec. 15, 1947; 8:49 a. m.]

PART 29—MAIL SERVICE FOR MEMBERS OF ARMED FORCES OVERSEAS

C. O. D. SERVICE UNAVAILABLE TO ARMY AND NAVY PERSONNEL OVERSEAS

Effective at once, Part 29 (12 F. R. 6462) as amended is further amended by the addition of a new § 29.14 reading as follows:

§ 29.14 *C. o. d. service.* With the exception of official shipments or shipments to military agencies, c. o. d. mail cannot be sent to Army personnel addressed to Army Post Offices outside the United States proper, including Alaska. C. o. d. mail addressed to Navy personnel may be sent only to such personnel at naval land establishments or receiving ships permanently located at particular points in the United States proper. (R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

Dated: December 8, 1947.

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-11007; Filed, Dec. 15, 1947; 8:59 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 21—COMMISSIONED OFFICERS

SUBPART Q—FOREIGN SERVICE ALLOWANCES

Effective December 1, 1947, Appendix A (12 F R. 7887) is revised to read as follows:

FOREIGN SERVICE ALLOWANCE RATES

OFFICERS

Station			Travel
Subsistence	Quarters	Total	
Class I			
None	None	None	$7.00

NOTE: The above allowances are applicable to all countries and places outside the continental United States not otherwise listed herein.

Class II			
$2.55	$2.50	$5.05	$8.00

Czechoslovakia.
Columbia.

Class III			
$2.55	$3.75	$6.30	$9.00

Hungary.

FOREIGN SERVICE ALLOWANCE RATES—Con.

OFFICERS—continued

Class IV			
$3.00	$0.75	$3.75	$7.00

Cuba (except Havana).
Belgium.
Costa Rica.
Great Britain and Northern Ireland (except London).
Guatemala.
Nicaragua.
Chile (except Punta Arenas).
Paraguay.
Brazil (except Rio de Janiero, Sao Paulo and Recife).
Equador.
Honduras.
El Salvador.
Dominican Republic.
Surinam.

Class V			
$3.00	$1.00	$4.00	$7.00

Afghanistan.
Algeria.
Alaska.
Argentina.
Bermuda.
China.
Denmark.
Ethiopia.
Finland.
France (except Paris).
Irish Free State.
Italy.
Liberia (except Monrovia).
Netherlands.
Norway.
Recife, Brazil.
Spain.
Sweden.
Tunisia.
Union of South Africa.
Uruguay.

Class VI			
$3.75	$0.75	$4.50	$7.25

Burma (except Rangoon).

Class VII			
$3.75	$1.00	$4.75	$8.00

Iceland.
Portugal.

Class VIII			
$3.75	$1.50	$5.25	$8.00

Sao Paulo, Brazil.
Ceylon.
Egypt (except Cairo).
Paris, France.
India.
French Indo-China.
Turkey.
Philippine Islands.
London.
Mexico City

Class IX			
$3.75	$2.00	$5.75	$9.00

Switzerland.

Class X			
$3.75	$3.00	$6.75	$10.00

Cairo, Egypt.
Rumania.

Class XI			
$3.75	$4.00	$7.75	$11.00

Bulgaria.
Netherlands East Indies.

Class XII			
$4.50	$1.50	$6.00	$9.00

Havana, Cuba.
Syria.
Monrovia, Liberia.

FOREIGN SERVICE ALLOWANCE RATES—Con.

OFFICERS—continued

Class XIII			
$5.25	$1.75	$7.00	$10.00

Iraq.
Trans-Jordan.
Palestine.

Class XIV			
$6.00	$1.50	$7.50	$10.00

Republic of Lebanon.
Rangoon, Burma.
Singapore.

Class XV			
$6.00	$2.75	$8.75	$12.00

Union of Soviet Socialist Republics.

Class XVI			
$6.00	$3.00	$9.00	$12.00

Yugoslavia.

Special Classification			
$8.25	$3.75	$12.00	$12.00

Greece (personnel not in receipt of diplomatic exchange rate).

NOTE: Greece (personnel in receipt of diplomatic exchange rate, allowance prescribed in Class I applicable).

$5.25	$3.75	$9.00	$9.00

Punta Arenas, Chile.

$10.50	$4.50	$15.00	$15.00

Poland (personnel not in receipt of diplomatic exchange rate).

NOTE: Poland (personnel in receipt of diplomatic exchange rate, allowances prescribed in Class I applicable).

$3.75	$3.25	$7.00	$7.00

Bahrein Island, Persian Gulf.

$3.75	$4.75	$8.50	$9.00

Rio de Janiero.

$6.75	$5.25	$12.00	$12.00

Venezuela.

[SEAL] THOMAS PARRAN,
Surgeon General.

Approved: December 11, 1947.

OSCAR R. EWING,
Federal Security Administrator

[F. R. Doc. 47-11015; Filed, Dec. 15, 1947; 8:47 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—ORGANIZATION, PRACTICE AND PROCEDURE

AUTHORITY DELEGATED TO SECRETARY UPON SECURING APPROVAL OF LAW AND ACCOUNTING DEPARTMENTS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of November 1947;

The Commission having under consideration a proposal whereby applications for consent to involuntary assignments of broadcast permits and licenses or for consents to involuntary transfers of control of corporate broadcast permittees and licensees as set forth in § 1.323 of the Commission's rules and regulations, or for consent to certain pro forma transfers of licenses could be reviewed and determined by duly authorized officials of the Commission rather than by the members of the Commission; and

It appearing, that a delegation of such authority to the Secretary upon securing approval of the Accounting and Law Departments would facilitate administrative determinations with respect to such applications and would be of great assistance to the applicants who would be in a better position to reach early conclusions regarding associated matters; and

It appearing further, that such determinations do not involve matters of Commission policy and that the proposed delegation is authorized by section 5 (e) of the Communications Act of 1934, as amended; and

It appearing further, that the proposed amendments are procedural and that notice of proposed rule making pursuant to section 4 of the Administrative Procedure Act is not required;

It is ordered, That effective immediately, § 1.146 (12 F. R. 1658) of the Commission's rules and regulations be and it is hereby amended by adding paragraphs (b) and (c) to read as follows:

§ 1.146 *Authority delegated to the Secretary upon securing the approval of the Law and Accounting Departments.* * * *

(b) Broadcast service applications which fall within the provisions of § 1.323 of the Commission's rules and regulations.

(c) Broadcast service applications for consent to assignments of licenses from individuals to corporations owned and controlled by such individuals, or from corporations to the individual stockholders controlling such corporations, provided there are no substantial changes in the interests of the respective assignors.

(Sec. 4 (i) 48 Stat. 1066; 47 U. S. C. 154 (i))

Released: December 4, 1947.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-11019; Filed, Dec. 15, 1947; 8:47 a. m.]

PART 1—ORGANIZATION, PRACTICE AND PROCEDURE

ANNUAL FINANCIAL REPORT INCLUDING ASSOCIATED DATA TO BE FILED BY NETWORKS AND LICENSEES OF BROADCAST STATIONS

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of November 1947:

The Commission having before it a proposal to revise, simplify and reduce Schedules 1-12 of Form Number 324 (Annual Financial Report including Associated Data to be filed by Networks and Licensees of Broadcast Stations), which form is required to be filed pursuant to the provisions of § 1.341 of the Commission's rules and regulations; and

It appearing, that under said proposal the requirements of the schedules in said Form 324 for recording thereon by broadcast stations and networks of certain data concerning their balance sheets, incomes, broadcast revenues, broadcast expenses, program log analysis, and analysis of time devoted to networks have been materially reduced, simplified and clarified;

It further appearing, that among other reductions in requirements are the complete elimination of former Schedules 5 (intangible property owned and devoted exclusively to broadcast service by the respondent) 6 (Property intended for use in broadcast service and leased to others), 9A (Analysis of time devoted to other stations) and 12 (Total compensation of the proprietor, partners, stockholders, officers, and broadcast staff employees, musicians, and other talent), and

It further appearing, that among other reductions in requirements are the elimination of substantial numbers of line items on former Schedules 1 (general balance sheet) 4 (Tangible property owned and devoted exclusively to broadcast service by the respondent), 7 (Income statement) 8 (Analysis of station broadcast revenues), and 11 (Analysis of broadcast expenses) and

It further appearing, that the former Instructions Relating to Annual Financial Report have been revised, simplified and substantially reduced in volume; and

It further appearing, that authority for the adoption of said revisions is contained in section 303 (i) 303 (r) and 303 (b) of the Communications Act of 1934, as amended; and

It further appearing, that since no requirements have been added, since certain requirements have been deleted, and since the effect of the adoption of the proposal herein is to relieve certain restrictions, compliance with the public notice and procedure provided for in section 4 of the Administrative Procedure Act is unnecessary herein.

It is ordered, That effective January 1, 1948, Schedules 1-9 inclusive of Form Number 324 required to be filed by networks and licensees of broadcast stations pursuant to § 1.341 of the Commission's rules and regulations, and accompanying instructions, be adopted in the form and content hereto attached[1] in the place and stead of present Schedules 1 to 12 inclusive of Form 324 and the present instructions.

(Sec. 303 (i) 48 Stat. 1032; 303 (r) 50 Stat. 191; 303 (b) 48 Stat. 1034; 47 U. S. C. 303 (i), 303 (r), 303 (b))

Released: December 5, 1947.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-11018; Filed Dec. 15, 1947; 8:59 a. m.]

[Docket No. 8553]

PART 12—AMATEUR RADIO SERVICE

LOCATION OF STATION; REMOTE CONTROL

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 4th day of December 1947;

The Commission having under consideration the matter of the amendment of the rules governing amateur radio service by changing § 12.64 which stipulates the conditions under which authority for remote control (including remote control by radio) is granted and by adding a new § 12.7 defining the term "remote control" as applied to this service; and

It appearing, that on October 16, 1947, general notice of proposed rule making with respect thereto was published in accordance with section 4 (a) of the Administrative Procedure Act; and

It further appearing, that the period in which interested parties were afforded an opportunity to submit comments expired November 6, 1947 and during that period the Commission received no comments in opposition to the proposed amendment as above mentioned; and

It further appearing, that the proposed amendment of § 12.64 will eliminate the necessity of submitting diagrams and other technical data with applications (Form 610) for authority to operate amateur stations by wire line remote control thereby simplifying the administrative handling of such applications; and

It further appearing, that the proposed amendment of § 12.64 will be in accord with both the Commission's work load reduction program and with the recent modification of amateur application Form 610, wherein reference to supporting data was eliminated; and

It further appearing, that the proposed amendment of § 12.64 to provide for the operation of amateur stations by radio remote control will encourage experimentation in the higher amateur frequency bands and afford amateur operators an opportunity to develop new equipment and techniques for such operation; and

It further appearing, that for purposes of clarification it is desirable to add the proposed new § 12.7 containing a definition of the term "remote control"; and

[1] Copies of this revised form are now in the process of printing and will be available shortly after January 1, 1948.

It further appearing, that authority for the proposed amendment is contained in sections 303 (d) and 303 (r) of the Communications Act of 1934, as amended.

It is ordered, That effective January 17, 1948, Part 12 of the Commission's rules governing amateur radio service, be amended, as set forth below.

Released: December 8, 1947.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Section 12.64 of the rules governing Amateur Radio Service is amended to read as follows:

§ 12.64 *Location of station.* (a) Every amateur station shall have a fixed transmitter location. Only one fixed transmitter location will be authorized and will be designated on the license for each amateur station, except that when remote control is authorized, the location of the remote control position as well as the location of the remotely-controlled transmitter shall be considered as fixed transmitter locations and will be so designated on the station license. Unless remote control of the transmitting apparatus is authorized, such apparatus shall be operated only by a duly licensed amateur radio operator present at the location of such apparatus.

(b) Authority for operation of an amateur station with the licensed operator on duty at a specific remote control point in lieu of the remote transmitter location may be granted upon filing an application for a modified station license on FCC Form No. 610 or FCC Form No. 602, as appropriate: *And provided,* That the following conditions are met:

(1) The remote control point as well as the remotely-controlled transmitter, shall be located on premises controlled by the licensee.

(2) The remotely-controlled transmitter shall be so installed and protected that it is inaccessible to other than duly authorized persons.

(3) In addition to the requirements of § 12.68 a photocopy of the amateur station license shall be posted in a conspicuous place at the location of the remotely-controlled transmitter.

(4) Means shall be provided at the control point to permit the continuous monitoring of the emissions of the remotely-controlled transmitter, and it shall be continuously monitored when in operation.

(5) Means shall be provided at the remote control point immediately to suspend the radiation of the transmitter when there is any deviation from the terms of the station license or from the rules governing Amateur Radio Service.

(6) In the event that operation of an amateur transmitter from a remote control point by radio is desired, an application for a modified station license on FCC Form No. 610 or FCC Form No. 602, as appropriate, should be submitted with a letter requesting authority to operate in such a manner stating that the controlling transmitter at the remote location will operate within amateur frequency bands 420 megacycles or higher and that there will be full compliance with § 12.64 (b) subparagraphs (1) through (5) Supplemental statements and diagrams should accompany the application and show how radio remote control will be accomplished and what means will be employed to prevent unauthorized operation of the transmitter by signals other than those from the controlling unit. There should be included complete data on control channels, relays and functions of each, directional antenna design for the transmitter and receiver in the control circuit, and means employed for turning on and off the main transmitter from the remote control location.

(c) An amateur transmitter may be operated from a remote control point in lieu of the remote transmitter location without special authorization by the Commission when there is direct mechanical control or direct electrical control by wired connections of the transmitter from a point located in the same or closely adjoining building or structure: *Provided,* There is full compliance with the conditions set forth in § 12.64 (b), subparagraphs (1) through (5)

2. A new § 12.7 is added to the rules governing amateur radio service to read as follows:

§ 12.7 *Remote control.* The term "remote control" as applied to the Amateur Radio Service, means control of transmitting equipment of an amateur station from an operating position other than one at which the transmitter is in view and immediately accessible; except that, direct mechanical control or direct electrical control by wired connections of an amateur transmitter from a point located on board any aircraft, vessel or vehicle on which such transmitter is located shall not be considered remote control within the meaning of this definition.

[F. R. Doc. 47-11020; Filed, Dec. 15, 1947; 8:59 a. m.]

PART 41—TELEGRAPH AND TELEPHONE FRANKS

FREE COMMUNICATIONS SERVICE TO OFFICIAL PARTICIPANTS IN 1947 WORLD TELECOMMUNICATIONS CONFERENCES

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 4th day of December 1947.

The Commission, having under consideration §§ 41.41, 41.42 and 41.43 (12 F R. 3340) of its rules and regulations, permitting United States communication common carriers to render free communications services to official participants in the World Telecommunications Conferences held in Atlantic City, New Jersey, in 1947, for the duration of such conferences;

It appearing, that the World Telecommunications Conferences were concluded in October 1947;

It further appearing, that since under the provisions of Public Law 48 and § 41.41 of the rules and regulations, authority to render such free communications services terminated at the conclusion of such conferences, the notice and public procedure provided for in sections 4 (a) and 4 (c) of the Administrative Procedure Act, are unnecessary with respect to the deletion of the above-cited sections of the Commission's rules and regulations, and such deletion may become effective immediately;

It is ordered, That §§ 41.41, 41.42 and 41.43 of the Commission's rules and regulations are deleted, effective immediately.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-11021; Filed, Dec. 15, 1947; 8:59 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 20—PIPE LINE COMPANIES: UNIFORM SYSTEM OF ACCOUNTS

MODIFICATION OF ACCOUNTS

At a session of the Interstate Commerce Commission, division 1, held at its office in Washington, D. C., on the 2d day of December A. D. 1947.

The matter of accounting regulations for pipe line companies being under consideration pursuant to the provisions of section 20 of the Interstate Commerce Act, as amended; and,

It appearing, that by order dated October 28, 1947, certain modifications in the "Uniform System of Accounts for Pipe Lines" were approved (12 F. R. 7255) to become effective January 1, 1948, unless otherwise ordered after consideration of objections to be filed on or before November 29, 1947; and,

It further appearing, that no objections to the said modifications were received within the specified period (34 Stat. 584, 54 Stat. 916, 49 U. S. C. 20 (3)) *It is ordered,* That:

(1) The modifications which were attached to and made a part of the said order of October 28, 1947, shall be filed with the Director of the Division of the Federal Register, together with a copy of this order, to be published in the FEDERAL REGISTER as substantive rules under section 3 (a) (3) of the Administrative Procedure Act, such rules to become effective January 1, 1948; and

(2) Notice shall be given each pipe line company which was served with the said order of October 28, 1947, that the modifications attached thereto and made a part thereof will become effective January 1, 1948, as therein ordered; and,

(3) A copy of this order and a copy of the notice to interested carriers shall be deposited in the office of the Secretary of the Commission at Washington, D. C.

1. In § 20.0-3 *Unaudited items,* cancel the first sentence of the text and substitute the following: "When the amount of a known revenue, expense, or income item cannot be accurately determined in time for inclusion in the accounts of the calendar year in which the transaction occurs, the amount shall be estimated

and included in the appropriate accounts, and the necessary adjustments shall be made when the item is audited."

BALANCE-SHEET ACCOUNTS

2. In § 20.20 *Other current assets,* substitute a comma for the period at the end of the first sentence of the text and add the following: "such as estimates of unaudited current items which are credited to operating revenues, operating expenses, or income accounts in accordance with § 20.0–3 *Unaudited items.*"

3. In § 20.28 *Other deferred debits,* change the comma, which follows the expression "such as store expenses," to a semicolon and eliminate the succeeding portion of the text which reads: "items credited to operating revenues, operating expenses, income, or surplus, on an estimated basis in accordance with § 20.0–3 *Unaudited items;*"

4. In § 20.69 *Other current liabilities,* change the period at the end of the text to a comma and add the following: "such as estimates of unaudited current items (other than the liability for casualties) which are charged to operating revenue, operating expense, or income accounts in accordance with § 20.0–3 *Unaudited items;* and retained percentages due to contractors to be paid upon completion of contract."

NOTE: Estimated liability for injuries to persons and for loss and damage claims shall be included in account 73, "Operating reserves."

5. In paragraph (a) of § 20.74 *Accrued depreciation; carrier property* and in paragraph (a) of § 20.76 *Accrued depreciation; miscellaneous physical property,* reference is made to an account styled "Delayed income debits." In both texts change the number of that account from 311, as shown, to 424, as it appears in § 20.424 *Delayed income debits.*

6. In paragraph (a) of § 20.78 *Other deferred credits,* cancel the words "retained percentages due to contractors to be paid upon completion of contract;" and also the words "and items charged to operating revenues, operating expenses, income, or surplus on an estimated basis in accordance with § 20.0–3 *Unaudited items.*"

OPERATING REVENUES—INSTRUCTIONS

7. At the end of paragraph (a) in § 20.0–02 *Statement of operating revenue accounts* change the reference to accounts 78, "Other deferred credits," and 28, "Other deferred debits," to read accounts 69, "Other current liabilities," and 20, "Other current assets," respectively.

OPERATING EXPENSE ACCOUNTS

OTHER EXPENSES

8. In § 20.634 *Injuries to persons,* § 20.636 *Damage to property,* and § 20.639 *Casualty losses,* add the following paragraph to each of the texts:

This account shall also include amounts representing the estimated liability for current casualties. Items which would not appreciably affect the accounts need not be anticipated.

(Sec. 20, 24 Stat. 386, as amended, sec. 13, 54 Stat. 916; 49 U. S. C. 20 (3))

By the Commission, Division 1.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-11017; Filed, Dec. 15, 1947; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 801]

ADMINISTRATION OF SUGAR QUOTAS

NOTICE OF RULE MAKING

Notice is hereby given that the Secretary of Agriculture, pursuant to the authority vested in him by the Sugar Act of 1937 (50 Stat. 903; 7 U. S. C. 1100) as amended, extended, and re-enacted, particularly by the Sugar Act of 1948 (Public Law 388, 80th Congress) is considering the issuance of a regulation, as hereinafter proposed, under which sugar produced from sugar beets and sugarcane grown in the continental United States will be deemed to be marketed under the provisions of the said act.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed regulation shall file the same in quadruplicate with the Director of the Sugar Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than December 23, 1947.

The proposed regulation is as follows:

§ 801.50 *Definition of marketing.* (a) A marketing of sugar shall be deemed to have occurred when delivery of the sugar is made against a bona fide sales contract.

(b) The following shall be deemed to constitute delivery:

(1) Actual delivery of the sugar by the seller, or by the warehouseman or custodian, (i) to the buyer, or (ii) to a common carrier for transportation to the buyer, whether or not such transportation involves subsequent transshipment by means of another such carrier.

(2) Constructive delivery of the sugar by the seller, or by the warehouseman or custodian, by (i) delivery to the buyer of a negotiable or nonnegotiable warehouse receipt, or custodian's storage receipt, representing the sugar, or (ii) acknowledgment that the sugar is held for and on behalf of the buyer.

(c) Delivery of sugar shall be evidenced as follows:

(1) *By the seller.* Actual delivery to the buyer shall be evidenced by the buyer's written receipt thereof; actual delivery to a common carrier for transportation to the buyer shall be evidenced by a copy of the bill of lading, or other shipping receipt, issued by a common carrier; delivery to the buyer of a negotiable or non-negotiable warehouse receipt, or a custodian's storage receipt, shall be evidenced by the buyer's written receipt thereof; and an acknowledgment that the sugar is held for and on behalf of the buyer shall be evidenced by the buyer's written receipt of the notice of such acknowledgment; and

(2) *By the warehouseman or custodian.* Actual delivery to the buyer shall be evidenced by the warehouse or custodian delivery advice accompanied by a copy of the buyer's written receipt to the warehouseman or custodian; actual delivery to a common carrier for transportation to the buyer shall be evidenced by the warehouse or custodian delivery advice accompanied by a copy of the bill of lading, or other shipping receipt, issued by a common carrier; issuance to the buyer of a negotiable or non-negotiable warehouse receipt, or custodian's receipt, representing the sugar shall be evidenced by the warehouse or custodian delivery advice showing the number of such receipt and to whom issued; and any other acknowledgment that the sugar is held for and on behalf of the buyer shall be evidenced by the warehouse or custodian delivery advice accompanied by the original or a copy of the buyer's written receipt of such acknowledgment.

(d) A sales contract shall be deemed to be a bona fide contract, if, in accordance with the foregoing:

(1) Actual delivery of the sugar is made under the contract during the quota year in which such contract is made;

(2) Constructive delivery of the sugar is made under the contract which permits actual delivery during the quota year in which such contract is made and actual delivery is made by January 31 of the following year;

(3) Constructive delivery of the sugar is made under the contract which permits actual delivery during the quota year in which such contract is made and the sugar is paid for in cash by January 31 of the following year; or

(4) Constructive delivery of the sugar is made under the contract which permits actual delivery during the quota year in which such contract is made and not less than 25 percent of the sugar is actually delivered, or not less than 25 percent of the purchase price of the sugar is paid in cash, by January 31 of the following year: *Provided,* The entire amount of the sugar is actually delivered to the buyer and paid for in full.

(e) The provisions of this section shall apply to the first marketing of sugar pro-

duced from sugar beets and sugarcane grown in the continental United States.

Done at Washington, D. C., this 11th day of December 1947.

[SEAL] F. R. BURKE,
Acting Administrator

[F. R. Doc. 47-11037; Filed, Dec. 15, 1947; 8:59 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR, Parts 174, 187]

[Ex Parte No. MC-42]

SURETY BONDS AND POLICIES OF INSURANCE, FREIGHT RATE TARIFFS, SCHEDULES, AND CLASSIFICATIONS; HANDLING OF C. O. D. SHIPMENTS

PROPOSED RULE MAKING

At a session of the Interstate Commerce Commission, Division 5, held at its offices in Washington, D. C., on the 21st day of October, A. D. 1947.

Sections 204 (a) (1) and (6) 215, 216 (d) and (e) 219, and 220 (d) of the Interstate Commerce Act being under consideration; and good cause appearing therefor

It is ordered, That an investigation be, and it is hereby, instituted by the Commission, Division 5, on its own motion, into the rules, regulations, and practices of common carriers of property subject to Part II of the act, with a view to determining whether such rules, regulations, and practices, or any of them, governing the handling of c. o. d. shipments and the collection and remittance of c. o. d. funds are in any respect in violation of the law, and to prescribing such reasonable rules, regulations, and requirements in the premises to be observed by such carriers as the facts and circumstances may appear to warrant.

It is further ordered, That the scope of this investigation shall include the following matters:

1. The need for adequate and more uniform tariff provisions relating to c. o. d. service, measures to insure prompt and certain payment of c. o. d. moneys to those entitled to payment, and means to provide adequate carrier records of c. o. d. shipments, collections, and disbursements, including consideration of:

(a) A requirement that c. o. d. moneys be paid direct to consignor, or other person designated as payee, by delivering carrier within a uniform definite period of time;

(b) A requirement that carriers furnishing c. o. d. service post bond with this Commission to insure proper remittances of c. o. d. moneys;

(c) Segregation of c. o. d. funds in a separate bank account or trust fund;

(d) Maintenance of a separate record of c. o. d. shipments, collections, and disbursements; and

(e) The following proposed rules:

Rule I. No common carrier of property subject to the provisions of Part II of the Interstate Commerce Act shall render any c. o. d. service unless such carrier has published, posted, and filed tariffs which contain the rates and charges governing such service, together with rules providing that the delivering carrier shall remit c. o. d. collections directly to the consignor, or other person designated as payee, within five (5) days of receipt of such collections from the consignee.

Rule II. Every common carrier subject to the provisions of Part II of the Interstate Commerce Act shall clearly indicate on the shipping documents accompanying each c. o. d. shipment received and transported, the name and address of the consignor, or other person designated as payee, to whom the delivering carrier shall remit c. o. d. moneys collected upon delivery of such shipment.

Rule III. No common carrier of property subject to the provisions of Part II of the Interstate Commerce Act shall commingle any money received from c. o. d. collections with its other funds, but shall deposit such money in a separate bank account or trust fund from which withdrawal shall be made only for remittance directly to the consignor, or other person designated as payee, entitled thereto.

Rule IV Amend § 174.1 by adding a paragraph as follows:

No common carrier of property subject to the provisions of Part II of the Interstate Commerce Act shall render nor hold out to render any c. o. d. service unless and until there shall have been filed with and approved by the Commission a surety bond in the amount of not less than $5,000 and in such form as will assure the remittance by the delivering carrier of its c. o. d. collections directly to the consignor or other person designated as payee as required by Rule I of the rules and regulations of the Commission governing the rendition of c. o. d. service.

Rule V Amend § 174.5 to read:

§ 174.5 *Qualifications.* The Commission will give consideration to and will approve the application of a motor carrier to qualify as a self-insurer if such carrier furnishes a true and accurate statement of its financial condition and other evidence which will establish to the satisfaction of the Commission the ability of such motor carrier to satisfy its obligations for bodily injury liability and property damage liability, for cargo liability and liability for c. o. d. collections when required by these regulations, without affecting the stability or permanency of the business of such motor carrier.

2. Such other matters as are directly related to the above, but not including the reasonableness of charges for c. o. d. service.

It is further ordered, That all common carriers of property by motor vehicle subject to Part II of the act be, and they are hereby, made respondents to this proceding;

It is further ordered, That the proceeding be, and it is hereby, assigned for hearing before Examiner J. J. Williams on the 13th day of January A. D. 1948, at 9:30 o'clock a. m., United States standard time, at the offices of the Interstate Commerce Commission, Washington, D. C.,

It is further ordered, That any person desiring to be notified of any change in the time or place of the said hearing (at his own expense, if telegraphic notice becomes necessary) shall inform the Interstate Commerce Commission, Washington, D. C., to that effect by notice which must reach the Commission within ten days from the date of service hereof and that the date of mailing of this order shall be considered as the time when the order is served;

And it is further ordered, That a copy of this order be served upon each of the respondents and that notice to the general public be given by posting a copy of it in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Division of the Federal Register.

By the Commission, Division 5.

[SEAL] W P BARTEL,
Secretary.

[F. R. Doc. 47-11016; Filed, Dec. 15, 1947; 8:49 a. m.]

NOTICES

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms hereinafter mentioned under section 14 of the act, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F. R. 2862, and as amended June 25, 1942, 7 F. R. 4725) and the determinations, orders and/or regulations hereinafter mentioned. The names and addresses of the firms to which certificates were issued, industry, products, number of learners, learner occupations, wage rates, learning periods, and effective and expiration dates of the certificates are as follows:

Independent Telephone Learner Regulations, July 17, 1944 (9 F R. 7125) The special learner certificates issued to the following companies under the above

regulations provide for the employment of learners in the occupation of commercial switchboard operator for a period not in excess of 480 hours at not less than 30 cents per hour for the first 320 hours and 35 cents per hour for the remaining 160 hours of the learning period. The number of learners authorized to be employed depends on the number of operators in the exchange, i. e., one learner if the exchange employs 8 operators or less, two learners if the exchange employs from 9 to 18 operators, etc. See regulations, Part 522, § 522.033.

Central Iowa Telephone Company, Leroy, Minnesota; effective November 10, 1947, expiring November 9, 1948.

Regulations, Part 522—Regulations Applicable to the Employment of Learners.

San Juan Glove Corporation, San Juan, Puerto Rico; to employ 85 learners in the fabric glove industry, as follows: 20 learners at 27 cents per hour as inserters for 220 hours; 40 learners at 27 cents per hour as kilers for 190 hours; 15 learners at 27 cents per hour as closers for 270 hours; and 10 learners at 27 cents per hour as kip-seamers for 180 hours. This certificate is effective October 8, 1947, and expires April 7, 1948.

John P. Martinez, Inc., San Juan, Puerto Rico; to employ two (2) learners in the Diamond Industry in the occupation of scourer at not less than 25 cents an hour for the first 520 hours and not less than 35 cents an hour for the second 520 hours of the training period. This certificate is effective November 3, 1947, and expires May 2, 1948.

Mayaguez Printing, Mayaguez, Puerto Rico; to employ three (3) learners in the Printing Industry, as follows: one (1) learner in the occupation of typesetter at not less than 16 cents an hour for the first 690 hours, not less than 21 cents an hour for the second 690 hours, and not less than 26 cents an hour for the third 690 hours; and two (2) learners in the occupation of pressman at not less than 16 cents an hour for the first 460 hours, not less than 21 cents an hour for the second 460 hours, and not less than 26 cents an hour for the third 460 hours. This certificate is effective October 27, 1947, and expires October 26, 1948.

Colette Manufacturing Company, Inc., Santurce, Puerto Rico; to employ 20 learners in the manufacture of hair nets, as follows: two (2) learners in the occupation of elastic coverer and 4 learners in the occupation of examiner at a wage rate not less than 16½ cents an hour for the first 180 hours and not less than 25 cents an hour for the second 160 hours; eight (8) learners in the occupation of knitter and four (4) learners in the occupation of knotter at a wage rate not less than 16½ cents an hour for the first 240 hours and not less than 25 cents an hour for the second 240 hours; and two (2) learners in the occupation of warper at a wage rate not less than 16½ cents an hour for the first 400 hours, not less than 21 cents an hour for the second 400 hours and not less than 25 cents an hour for the third 400 hours of the training period. This certificate is effective November 7, 1947 and expires May 6, 1948.

El Imparcial, San Juan, Puerto Rico; to employ two (2) learners in the publishing industry in the occupation of typesetter at a wage rate not less than 22 cents an hour for the first 690 hours, not less than 27 cents an hour for the second 690 hours, and not less than 32 cents an hour for the third 690 hours of the training period. This certificate is effective November 6, 1947 and expires November 5, 1948.

The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of the applicable determinations, orders and/or regulations cited above. These certificates have been issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of regulations, Part 522.

Signed at Washington, D. C., this 4th day of December, 1947.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 47-11014; Filed, Dec. 15, 1947; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

USE OF RADIOCOMMUNICATION EQUIPMENT FOR TRAINING PURPOSES

DECEMBER 5, 1947.

The Commission is receiving numerous inquiries from various educational institutions throughout the United States concerning operation of radiocommunication equipment for training and demonstration purposes. These inquiries apparently stem directly from recent action of various government agencies making war surplus radiocommunication equipment available to educational institutions engaged in veteran training programs.

In general, the type of training conducted by high schools, colleges, trade schools, etc., in radiocommunication courses does not involve fundamental experimentation and research but makes use of standard laboratory projects designed to demonstrate to the student the basic theory of radio circuits. It is evident that uncontrolled radiation of radio signals is not necessary in the vast majority of these basic laboratory projects. Training on such matters as basic measurements and tuning of antennae and transmission lines might well be conducted in a shielded laboratory, using properly constructed dummy antennae. Training involving field strength measurements may be conducted by using radiated signals of local radio stations, such as broadcast and police stations. Accordingly, the Commission at this time does not deem it advisable to issue construction permits and licenses for experimental stations where the radiation of radio frequency energy is not essential to the project.

It is not the Commission's intention to discourage educational institutions from engaging in fundamental radio research. Institutions qualifying under the Commission's rules governing experimental radio services to conduct fundamental, general or specific radio research, and experimentation directed toward the advancement of the radio art may be eligible for a Class 1 experimental authorization. These authorizations permit extensive use of radio within definite programs of research. The Commission has allocated a number of frequencies for use of Class 1 experimental stations, which are listed in § 5.21 of Part 5 Rules and Regulations Governing Experimental Radio Services.

Educational institutions proposing to use radiocommunication equipment for actual communication needs in conjunction with essential business activities of the institution may be eligible for a station in one of the various services established by the Commission's rules and regulations. Additional information regarding these services may be obtained by writing the Washington, D. C. office of the Commission, outlining in detail the nature of the communications proposed. Details should include the type of messages to be transmitted, points of communication, and the operating characteristics of the equipment proposed to be used.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-11022; Filed, Dec. 15, 1947; 8:49 a. m.]

KWHK, HUTCHINSON, KANS.

PUBLIC NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSE[1]

The Commission hereby gives notice that on December 4, 1947 there was filed with it an application (BAL-659) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of KWHK from James E. Murray to KWHK Broadcasting Company, Inc., Hutchinson, Kansas. The proposal to assign the license arises out of a contract of October 21, 1947 pursuant to which Murray has agreed to sell station KWHK including the real and personal property and good will (except accounts due and bank accounts connected with the station) for a total consideration of $120,000. Of this amount $3,500 was paid upon the signing of the contract on October 21, 1947 and the balance of $116,500 is to be paid as follows: $31,500 upon approval of transfer if subsequent to January 2, 1948; $29,000 on January 2, 1949 and $29,000 each on January 2, 1950 and January 2, 1951, the installment payments to bear 4% inter-

[1] § 1.321, Part I, Rules of Practice and Procedure.

est per annum and to be evidenced by a promissory note and mortgage. The purchase contract is contingent upon ability of purchaser to secure a $100,000 life insurance on the life of Vern Minor. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the commission was advised by applicant on December 4, 1947 that starting on December 12, 1947 notice of the filing of the application would be inserted in a newspaper of general circulation at Hutchinson, Kansas in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from December 12, 1947 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above-described contract.

(Sec. 310 (b) 48 Stat. 1086; 47 U. S. C. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-11023, Filed, Dec. 15, 1947; 8:49 a. m.]

CENTRAL NEW YORK BROADCASTING CORP., SYRACUSE, N. Y.

PUBLIC NOTICE CONCERNING PROPOSED TRANSFER OF CONTROL [1]

The Commission hereby gives notice that on December 3, 1947, there was filed with it an application (BTC-594) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of Central New York Broadcasting Corporation (stations WSYR, WSYR-FM and 4 associated relay stations) from Harry C. Wilder and other stockholders to Radio Projects, Inc., Syracuse, New York. The proposal to transfer control arises out of a contract of November 3, 1947 between Harry C. Wilder acting on his own behalf and on behalf of other stockholders of the licensee (sellers) and Radio Projects, Inc. (buyer) pursuant to which said stockholders propose to sell all of the 18,000 shares of common voting $10 par value stock and all of the 300 shares of preferred $100 par value nonvoting stock of the licensee for a total purchase price of $1,200,000 in cash. Of this amount $50,000 earnest money has been paid which is to be applied upon the purchase price. While the contract contemplates the sale of all the stock the parties have agreed, however, that if seller is unable upon closing to deliver 100% of the common voting stock but more than 90%, the contract shall be for the sale of the stock seller is able to deliver and the purchase price shall be proportionately reduced. If seller is unable to deliver 90% of the common voting stock buyer shall have the option to purchase the shares of common stock which seller is able to deliver and the purchase price is to be reduced proportionately, or at buyers option the contract shall be cancelled. Upon closing officers and directors are to resign. If consent of the Commission is not obtained within 12 months from the date of filing of the application either party may terminate the contract upon notice. The employment contract between the licensee and Harry C. Wilder is recognized by buyer. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirements for public notice concerning the filing of the application, the Commission was advised by applicant on December 3, 1947 that starting on December 9, 1947 notice of the filing of the application would be inserted in a newspaper of general circulation at Syracuse, New York in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from December 9, 1947 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b) 48 Stat. 1086; 47 U. S. C. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-11024; Filed, Dec. 15, 1947; 8:49 a. m.]

[Docket Nos. 6824, 7357, 7372, 7429, 7430, 7555, 7621, 7839, 7857, 7880, 7909]

RCA COMMUNICATIONS, INC., ET AL.

NOTICE OF ORAL ARGUMENT

Beginning at 10 o'clock a. m. on Friday, December 19, 1947, the Commission will hear Oral Argument, in Room 6121 of the offices of the Commission, on the following matters, in the order indicated:

FIRST ARGUMENT

Docket No.. 7555: P5-RH-28	RCA Communications, Inc., Kahuku, Territory of Hawaii.	For renewal of license.
335-PHP-A	Mutual Telephone Co., Honolulu, Territory of Hawaii.	For construction permit for new pt/pt station.

SECOND ARGUMENT

Docket No.. 7430: B3-P-4566	Paris Broadcasting Co., Paris, Tenn.	For CP—1340 kc. 250 w. unlimited.
7839: B2-P-5219	Murray Broadcasting Co., Inc., Murray, Ky.	For CP—1340 kc. 250 w. unlimited.

THIRD ARGUMENT

Docket No.. 7372: B1-P-3969	Baltimore Broadcasting Corp. (WCBM), Baltimore, Md.	CP—680 kc. 5 kw. night; 10 kw. day, unlimited.
7429: B1-P-4490	Tower Realty Co., The, Baltimore, Md.	CP—680 kc. 10 kw. unlimited, DA—night.
7857: B2-P-5225	Lomar Broadcasting Co., Lancaster, Pa.	CP—680 kc. 1 kw. night; 5 kw. day; unlimited DA-night.
7880: B2-P-5267	Foundation Company of Washington, Philadelphia, Pa.	CP—680 kc. 10 kw.; unlimited DA—night and day.
7909: B1-P-5333	Monroe Broadcasting Co., Inc., Rochester, N. Y.	CP—to change hours, increase power, etc., 680 kc. 500 w. night; 1 kw. day; unlimited.

FOURTH ARGUMENT

Docket No.. 6824: B2-P-3987	WOOP, Inc., Dayton, Ohio	CP—1,150 kc. 1 kw. night; 5 kw. day; unlimited using DA.
7357: B2-P-4447	Northwestern Ohio Broadcasting Corp., Lima, Ohio.	CP—1,150 kc. 1 kw; unlimited.
7621: B2-P-4824	Sky Way Broadcasting Corp., Columbus, Ohio.	CP—1,150 kc. 1 kw. night; 5 kw. day; unlimited DA—night.

Dated: November 28, 1947.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-11041; Filed, Dec. 15, 1947; 9:00 a. m.]

[Docket Nos. 7430, 7839]

PARIS BROADCASTING CO. AND MURRAY BROADCASTING CO., INC.

ORDER SCHEDULING ORAL ARGUMENT

In re applications of Paris Broadcasting Company, Paris, Tennessee, Docket No. 7430, File No. BP-4566; Murray Broadcasting Company, Inc., Murray, Kentucky, Docket No. 7839, File No. BP-5219; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of November 1947;

The Commission having under consideration a petition filed November 14, 1947, by Paris Broadcasting Company, Paris, Tennessee, requesting that the record be reopened in the proceeding on the above-entitled applications for construction permits to permit the introduction of evidence on the following issue, which

[1] § 1.321, Part I, Rules of Practice and Procedure.

petitioner also requests be added to the issues previously designated for hearing:

To determine availability of frequencies (viz., 1260 kc, 1270 kc, and 1470 kc) to serve Murray, Kentucky, and the extent to which daytime hours of operation would satisfy the radio needs of that community·

to permit the introduction of evidence with respect to events which have transpired since the final hearing date in the said proceeding, March 21, 1947; and to permit the introduction of evidence with respect to the broadcast service to Paris, Tennessee, of Station WTPR, Paris, Tennessee;

Whereas, several of the grounds alleged in the said petition in support thereof appear to be similar to some of the allegations of error contained in petitioner's exceptions filed October 27, 1947, to the Commission's proposed decision of October 1, 1947, proposing to deny petitioner's above-entitled application and to grant the above-entitled application of Murray Broadcasting Company· and

Whereas, oral argument on the said exceptions filed October 27, 1947, by petitioner has been scheduled for December 19, 1947; and the hearing of oral argument on the instant petition together with the said oral argument on the exceptions to the proposed decision would conduce to the proper dispatch of the Commission's business;

It is ordered, That the instant petition filed November 14, 1947, by Paris Broadcasting Company, Paris, Tennessee, be, and it is hereby, designated for oral argument before the Commission en banc on December 19, 1947, at Washington, D. C., in consolidation with the said oral argument on petitioner's exceptions filed October 27, 1947, to the proposed decision in the proceeding on the above-entitled applications adopted October 1, 1947.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-11042; Filed, Dec. 15, 1947; 9:00 a. m.]

[Docket Nos. 7979, 8217]

CENTRAL MICHIGAN RADIO CORP. AND LANSING BROADCASTING CO. (WILS)

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Central Michigan Radio Corporation, Lansing, Michigan, Docket No. 7979, File No. BP-4920; Lansing Broadcasting Company (WILS) Lansing, Michigan, Docket No. 8217, File No. BP-5889; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 28th day of November 1947;

The Commission having under consideration the above-entitled application of Lansing Broadcasting Company requesting a construction permit for change of facilities to 1320 kc, with 1 kw power, unlimited time, using directional antenna at night, and to change transmitter location at station WILS, Lansing, Michigan, and having under consideration a petition filed by Central Michigan Radio Corporation requesting that said application of Lansing Broadcasting Company be dismissed as incomplete, defective and improper;

It appearing, that the Commission on December 19, 1946, designated the above-entitled application of Central Michigan Radio Corporation for hearing in a consolidated proceeding with the application of Farmers' Chemical Company, Kalamazoo, Michigan (File No. BP-5111, Docket No. 7980) and that the latter application was dismissed without prejudice on August 22, 1947; and

It further appearing, that the said application of Lansing Broadcasting Company, as presently amended, is complete and specific as to its request for frequency, power, hours of operation and other matters required by § 1.304 of the Commission's rules;

It is ordered, That the said petition of Central Michigan Radio Corporation be, and it is hereby, dismissed: and

It is further ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Lansing Broadcasting Company be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Central Michigan Radio Corporation (File No. BP-4920; Docket No. 7979) on December 19, 1947, in Washington, D. C., upon the following issues:

1. To determine the technical, financial and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate station WILS as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station WILS as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of station WILS as proposed would involve objectionable interference with stations WBBC, Flint, Michigan, WOOD, Grand Rapids, Michigan, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of station WILS as proposed would involve objectionable interference, as defined under the North American Regional Broadcasting Agreement, with Canadian Station CHEF, Granby, Quebec.

6. To determine whether the operation of station WILS as proposed would involve objectionable interference with the services proposed in the other pending application in this proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

7. To determine whether the installation and operation of station WILS as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to the transmitter location.

8. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That Liberty Broadcasting, Inc., licensee of station WOOD, Grand Rapids, Michigan, Metropolis Company, licensee of station WJHP Jacksonville, Florida, and Booth Radio Stations, Inc., permittee of station WBBC, Flint, Michigan, be and they are hereby, made parties to this proceeding; and

It is further ordered, That the Commission's order dated December 19, 1946, designating the above-entitled application of Central Michigan Radio Corporation for hearing, be, and it is hereby, amended to include the application of Lansing Broadcasting Company (File No. BP-5889; Docket No. 8217) and to include among the issues, Issue No. 8, stated above.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-11043; Filed, Dec. 15, 1947; 9:00 a. m.]

[Docket No. 8553]

KVAK ET AL.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of S. H. Patterson, Assignor, Atchison, Kansas, and, Albert Alvino Almada, Assignee, Sacramento, California, for consent to assignment of license of KVAK, Atchison, Kansas. BAPL-23, Docket No. 8553.

At a session of the Federal Communications Commission, held in its offices in Washington, D. C., on the 14th day of October 1947;

The Commission having under consideration the above entitled application requesting consent to the assignment of license of KVAK,

It is ordered, That pursuant to section 310 (b) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To obtain full information as to arrangements between the parties with reference to purchase of the station involved including the value of the properties to be conveyed and the price to be paid therefor, and whether approval of these arrangements would be in the public interest.

2. To determine whether approval of the proposed transfer would give ap-

proval to trafficking in frequencies or licensed privileges.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F R. Doc. 47-11044; Filed, Dec. 15, 1947; 9:00 a. m.]

[Docket No. 8628]

PUGET SOUND BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Puget Sound Broadcasting Company, Inc., Tacoma, Washington, for modification of license. Docket No. 8628, File No. BML-1272.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 28th day of November 1947;

The Commission having under consideration the above-entitled application requesting a modification of license for station KVI to move its main studios from 950 Pacific Avenue, Tacoma, Washington, to Camlin Hotel, Seattle, Washington;

It is ordered, That pursuant to section 390 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, to determine the comparative needs of the cities of Tacoma and Seattle, Washington, for broadcast service originating in local studios, and, in view thereof, whether a grant of this application would contribute to a fair, efficient and equitable distribution of radio service to each.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-11049; Filed, Dec. 15, 1947; 9:01 a. m.]

[Docket No. 8640]

SARKES TARZIAN (W9XHZ)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Sarkes Tarzian (W9XHZ) Bloomington, Indiana, for renewal of license. File No. BREX-52, Docket No. 8640.

At a session of the Federal Communications Commission held in Washington, D. C., on the 28th day of November 1947;

The Commission having under consideration the above entitled application of Sarkes Tarzian for renewal of license of developmental broadcast station W9XHZ at Bloomington, Indiana; and

It appearing, that the Commission on January 16, 1947, granted a license to Sarkes Tarzian for a new developmental broadcast station, W9XHZ, at Bloomington, Indiana, for operation using A-3 (AM) emission on the very high frequencies and that this station has been authorized to operate on the frequency 87.75 megacycles; and

It further appearing, that the license has been temporarily extended to December 1, 1947; and

It further appearing, that the Commission is unable to determine from consideration of the application that a grant of renewal of license for this station would be in the public interest,

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above entitled application be, and is hereby designated for hearing, at a time and place to be specified by a subsequent order of the Commission, upon the following issues:

1. To determine whether the operation of developmental broadcast station W9XHZ has shown the existence of any technical advantage of AM broadcasting at very high frequencies.

2. To determine whether continued operation of the station would serve to advance the broadcast service.

3. To determine, in view of the information thus adduced, whether a renewal of the license of this station would be in the public interest.

It is further ordered, That the authority of the licensee to operate his station facilities is extended to March 1, 1948, pending decision in the case.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-11045; Filed, Dec. 15, 1947; 9:00 a. m.]

[Docket No. 8641]

COSMOPOLITAN BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of W. J. Fairchild, Lee Campbell, Lester L. Orticke and Albert J. McNeil, a Partnership d/b as Cosmopolitan Broadcasting Company, Los Angeles, Calif., for construction permit. Docket No. 8641, File No. BP-6112.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 28th day of November 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on the frequency 960 kc, with 250 w power, nighttime only·

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with station KROW Oakland, California or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, particularly with respect to operation nighttime only and the assignment of a Class IV station to a regional channel.

It is further ordered, That KROW, Inc., licensee of Station KROW Oakland, California be, and it is hereby, made a party to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-11050; Filed, Dec. 15, 1947; 9:01 a. m.]

[Docket No. 8643]

FLORIDA EAST COAST BROADCASTING CO. (WFEC)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Florida East Coast Broadcasting Company (WFEC), Miami, Florida, for modification of construction permit. Docket No. 8643, File No. BMP-3049.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 28th day of November 1947;

The Commission having under consideration the above-entitled application requesting a change of frequency to 1230 kc, increase operating time to unlimited hours and approval of transmitter location and antenna system at station WFEC, Miami, Florida;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical and other qualifications of the applicant corporation, its officers, directors and stock-

holders to construct and operate station WFEC as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station WFEC as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the station as proposed would involve objectionable interference with station WJNO, West Palm Beach, Florida, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the station as proposed would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of station WFEC as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That, WJNO, Inc., licensee of station WJNO, West Palm Beach, Florida, be, and it is hereby, made a party to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-11046; Filed, Dec. 15, 1947; 9:00 a. m.]

[Docket Nos. 8645, 8646]

RADIO BROADCASTING CORP. AND LASALLE COUNTY BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Radio Broadcasting Corporation, LaSalle-Peru, Illinois, File No. BPH-1344, Docket No. 8645; F F. McNaughton and Louis F Leurig, a partnership d/b as The LaSalle County Broadcasting Company, LaSalle, Illinois, File No. BPH-1366, Docket No. 8646: For Class B FM construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of November 1947;

The Commission having under consideration the above-entitled applications for construction permits for Class B FM broadcast stations in LaSalle-Peru and LaSalle, Illinois; and

It appearing, that no Class B FM channels have been allocated for the LaSalle-Peru, Illinois area;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be specified by a subsequent order of the Commission, each upon the following issues:

1. To determine the legal, technical and other qualifications of the applicant, its officers, directors and stockholders or partners to construct and operate the proposed station.

2. To obtain full information with respect to the nature and character of the proposed program service.

3. To determine the areas and populations which may be expected to receive service from the proposed station.

4. To determine whether or not Channel No. 236, which is presently allocated to Aurora, Illinois, or Channel No. 297, which is presently not allocated in the LaSalle-Peru, Illinois area, or any other Class B channel should be allocated to the La Salle-Peru, Illinois area.

5. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-11047; Filed, Dec. 15, 1947; 9:00 a. m.]

[Docket Nos. 7844, 8652, 8653]

CAHOKIA BROADCASTING CORP., INC., ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Cahokia Broadcasting Corporation, Inc., East St. Louis, Illinois, Docket No. 8653, File No. BP-6338; Robert L. Kern and Richard P. Kern, a partnership, d/b as Belleville News - Democrat, Belleville, Illinois, Docket No. 7844, File No. BP-5176; Hobart G. Stephenson, Jr., St. Louis, Missouri, Docket No. 8652, File No. BP-5702; For construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 28th day of November 1947;

The Commission having under consideration the above-entitled application of Cahokia Broadcasting Corporation, Inc. for authorization to construct a new standard broadcast station to operate on 1260 kc, 1 kw power, U, DA-2, at East St. Louis, Missouri, and the application of Hobart G. Stephenson, Jr., for authorization to operate on 1230 kc, 250 w power, U, at St. Louis, Missouri, contingent on a grant of the Missouri Broadcasting Corporation (WIL, St. Louis) application to change facilities; and

Whereas, the Commission, on March 6, 1947, designated the above-entitled application of Robert L. Kern and Richard P. Kern, a partnership, d/b as Belleville News-Democrat (requesting authorization to construct a new standard broadcast station to operate on 1260 kc, 1 kw power, U, DA-N, at Belleville, Illinois) for hearing in a consolidated proceeding with two other applications which have since been removed from that proceeding;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications of Cahokia Broadcasting Corporation, Inc. and Hobart G. Stephenson, Jr., be, and they are hereby, designated for hearing in a consolidated proceeding with the application of Robert L. Kern and Richard P. Kern, a partnership, d/b as Belleville News-Democrat, on January 12, 1948, at Washington, D. C., upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the individual applicant and of the applicant corporation, its officers, directors and stockholders to construct and operate their proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations, and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with station WIL, St. Louis, Missouri, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, particularly with regard to the problem of contour overlap of stations proposed by applicants requesting facilities involving 30 kc separation.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Commission's order dated October 30, 1947, designating the application of Robert L. Kern and Richard P. Kern, a partnership, d/b as Belleville News-Democrat, for hearing be, and it is hereby, amended to include the above-entitled applications of Cahokia Broadcasting Corporation, Inc. and Hobart G. Stephenson, Jr.,

It is further ordered, That Missouri Broadcasting Corporation, licensee of Station WIL, St. Louis, Missouri, be, and it is hereby, made a party to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-11048; Filed, Dec. 15, 1947; 9:00 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6106]

COMMUNITY PUBLIC SERVICE CO.

NOTICE OF ORDER AUTHORIZING AND APPROVING ISSUANCE AND RENEWAL OF PROMISSORY NOTES

DECEMBER 10, 1947.

Notice is hereby given that, on December 10, 1947, the Federal Power Commission issued its order entered December 9, 1947, authorizing and approving issuance and renewal of promissory notes in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-10996; Filed, Dec. 15, 1947; 8:47 a. m.]

[Docket No. IT-6058]

WISCONSIN PUBLIC SERVICE CORP. AND NORTHERN STATES POWER CO.

NOTICE OF APPLICATION

DECEMBER 10, 1947.

Notice is hereby given that on December 8, 1947, a supplement to the application (Notice of original application published May 9, 1947, 12 F. R. 3069) in this matter was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by Wisconsin Public Service Corporation, a corporation organized under the laws of the State of Wisconsin and doing business in said State with its principal business office at Milwaukee, Wisconsin, seeking an order authorizing the sale of certain of its electric facilities consisting of approximately 50.9 miles of the Wissota to Wassau transmission line and the 110 KV air break switch installation near Edgar, Wisconsin, and appurtenances thereto, to Northern States Power Company, a Wisconsin corporation, for a consideration stated in the application to be $215,000 in cash; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 29th day of December 1947, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-11008; Filed, Dec. 15, 1947; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3069]

A. D. F. CO.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 10th day of December A. D. 1947.

In the matter of A. D. F. Co. (formerly known as Atlas Drop Forge Company), capital stock, $5.00 par value, File No. 1-3069.

The Detroit Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to strike from listing and registration the Capital Stock, $5.00 Par Value, of A. D. F. Co., which until August 27, 1945 was known as Atlas Drop Forge Company. The application alleges that (1) the issuer on September 4, 1945 sold substantially all of its assets to a wholly-owned subsidiary of Spicer Manufacturing Corporation in consideration of the sum of $1,436,835.47; (2) the issuer ceased manufacturing operations on August 31, 1945; (3) the issuer is in the process of complete and final liquidation; (4) the issuer has distributed to its shareholders two liquidating dividends totalling $13.00 per share; (5) the only remaining assets are approximately $400,000, composed principally of United States Government securities and cash, which would amount to $2.68 per share, subject to certain contingent liabilities in amounts not presently ascertainable; (6) the Detroit Stock Exchange suspended dealings in this security on January 15, 1947; and (7) the rules of the Detroit Stock Exchange with respect to the striking of a security from listing and registration have been complied with.

Upon receipt of a request, prior to December 30, 1947, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Philadelphia, Pennsylvania. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-10998; Filed, Dec. 15, 1947; 8:48 a. m.]

[File No. 7-1000]

DOW CHEMICAL CO.

FINDINGS AND ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 10th day of December A. D. 1947.

The Boston Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the Common Stock, $15.00 Par Value, of The Dow Chemical Company.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, on the basis of the facts submitted in the application and other facts contained in public files, of which the Commission takes official notice, the Commission makes the following findings:

(1) That on July 23, 1947, the issuer, a Delaware corporation, by merger succeeded to all the assets and liabilities of its predecessor, The Dow Chemical Company a Michigan corporation; and on that date the common stock outstanding was divided into four shares for each share then outstanding and was changed from shares having no par value to shares having a par value of $15.00;

(2) That this security is listed and registered on the Cleveland Stock Exchange, New York Stock Exchange, and San Francisco Stock Exchange; that the geographical area deemed to constitute the vicinity of the Boston Stock Exchange is the New England States exclusive of Fairfield County, Connecticut; that out of a total of 4,994,824 shares outstanding, 227,105 shares are owned by 1,168 shareholders in the vicinity of the Boston Stock Exchange; and that in the vicinity of the Boston Stock Exchange from July 1, 1946 to June 30, 1947 there were 255 transactions involving 8,344 shares of the no par value common stock of the predecessor company, The Dow Chemical Company, a Michigan corporation;

(3) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(4) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Boston Stock Exchange for permission to extend unlisted trading privileges to the Common Stock, $15.00 Par Value, of The Dow Chemical Company be, and the same is, hereby granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-11002; Filed, Dec. 15, 1947; 8:48 a. m.]

[File No. 7-1005]

SEARS, ROEBUCK AND CO.

FINDINGS AND ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 10th day of December A. D. 1947.

The St. Louis Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the Capital Stock, Without Par Value, of Sears, Roebuck and Company;

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is listed and registered on the Chicago Stock Exchange, Los Angeles Stock Exchange, New York Stock Exchange, and San Francisco Stock Exchange; that the geographical area deemed to constitute the vicinity of the St. Louis Stock Exchange is the State of Missouri and the southern counties of Illinois, lying south of and including Pike, Scott, Morgan, Macon, Sangamon, Moultrie, Douglas and Edgar counties; that out of a total of 23,624,190 shares outstanding, 1,789,780 shares are owned by 4,112 shareholders in the vicinity of the St. Louis Stock Exchange; and that in the vicinity of the St. Louis Stock Exchange there were 719 transactions involving 51,007 shares from June 1, 1946 to May 31, 1947;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the St. Louis Stock Exchange for permission to extend unlisted trading privileges to the Capital Stock, Without Par Value, of Sears, Roebuck and Company be, and the same is, hereby granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-11001; Filed, Dec. 15, 1947; 8:48 a. m.]

[File Nos. 53-134, 54-72, 59-9, 59-66]

STANDARD POWER AND LIGHT CORP. ET AL.

MEMORANDUM OPINION AND ORDER FOR FILING OF BRIEFS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 8th day of December A. D. 1947.

In the matter of Standard & Power and Light Corporation, Standard Gas and Electric Company, and Subsidiary Companies thereof, Respondents, File No. 59-9; Standard Gas and Electric Company, File Nos. 53-134, 54-72, and 59-66.

Hearings have been held before a hearing officer with respect to the issues raised by the declaration requesting authorization to solicit proxies filed by Standard Gas and Electric Company ("Standard Gas") pursuant to section 12 (e) of the Public Utility Holding Company Act of 1935 ("the act") We here consider the post-hearing procedure to be adopted in connection with that issue, the first of several issues which are the subject of a consolidated hearing.

In our memorandum opinion and order of October 30, 1947, we ordered, inter alia, that, pending a hearing to be held on November 18, 1947, and our further order after said hearing, all persons be prohibited from soliciting or permitting the use of their names to solicit any proxy, power of attorney, consent, or authorization regarding the voting of any security of Standard Gas except pursuant to a declaration which we shall have permitted to become effective.[1] Subsequently, a declaration was filed by Standard Gas proposing to solicit proxies in connection with a meeting of stockholders scheduled for December 3, 1947. A hearing on such declaration was set for November 18, 1947,[2] and consolidated with the hearing on the other matters set down to be heard on the same date in our order of October 30, 1947,[3] we specifically directed that the first order of business at the consolidated hearing would be the taking of evidence on the question whether the declaration with respect to the company's proposed solicitation should be permitted to become effective.

On November 12, 1947, after appropriate notice,[4] we conducted a hearing on the questions, inter alia, whether we should vacate the provisions of our order of October 30, 1947 prohibiting the solicitation of proxies and whether it was necessary or appropriate to carry out the provisions of the act, particularly section 12 (e) thereof, for us to enter an order directing postponement of the annual meeting of stockholders of Standard Gas scheduled for December 3, 1947. In our memorandum opinion and order of November 13, 1947,[5] we ordered that the restraint on the solicitation of proxies be continued, that the annual meeting of Standard Gas be postponed for a period of thirty days or such extended period as we might find appropriate, and that pending our further order no notice of meeting be sent to the stockholders of Standard Gas.[6]

Hearings with respect to the Standard Gas declaration were commenced before our hearing officer on November 18, 1947, and proceeded from day to day thereafter through December 3, 1947. At the close of the last session of the hearing, the questions concerning post-hearing procedure with which we now deal were raised.

1. *Hearing officer's report.* Counsel for Standard Gas has stated that a report or recommended decision by the hearing officer would be desirable if it were to be accepted as a final determination of the matter, unreviewable by the Commission, but he indicated that if such a report or decision were to be merely advisory to the Commission it would entail an undesirable delay. Under Rule IX (d) of our rules of practice, all recommended decisions are advisory only and are not binding upon the Commission. Aside from the question whether a report or recommended decision by the hearing officer is otherwise necessary or appropriate in this case, if one were to be rendered here no basis could be shown for according it in advance the status of a final opinion of this Commission. We think it clear that this proposal would require us completely to abdicate our responsibility to determine the questions in issue. Accordingly, since counsel indicated that he desired a hearing officer's report only if it is to represent a final decision and since, for the reasons indicated, such report cannot be given the finality he desires, we conclude that he has waived such a report. Moreover, under the circumstances presented here, including particularly the desirability of expediting the proceedings to the fullest extent possible, we think a hearing officer's report would not justify the additional time it would entail.

2. *Requested findings and briefs.* Standard Gas has requested that the staff of the Public Utilities Division advise it with particularity of their views on the nature of any deficiencies in the proxy material and that, if after being so advised it deems it necessary, Stand-

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[1] Standard Power and Light Corporation et al., — S. E. C. — (1947, Holding Company Act Release No. 7811).

[2] Holding Company Act Release No. 7831.

[3] The other matters scheduled to be heard at the consolidated hearing are set forth in our Memorandum Opinion and Order of October 30, 1947 (Holding Company Act Release No. 7811). Among these matters are (1) whether or not we should enter an order pursuant to section 11 (b) (2) of the act requiring Standard Gas either to liquidate and dissolve, or to recapitalize on the basis of a single class of stock; (2) whether or not we should dismiss a purported section 11 (e) plan filed by Standard Gas; and (3) issues under section 12 (f) of the act respecting contracts, relationships and transactions among affiliates in the Standard Power and Light Corporation system. As to these matters, the consolidated hearing will be continued at a later date to be set by the hearing officer. The present opinion does not, of course, deal with any of these matters, being confined solely to procedural questions raised with respect to the issues relating to Standard Gas' proxy solicitation declaration.

[4] — S. E. C. — (November 7, 1947), Holding Company Act Release No. 7820.

[5] — S. E. C. — (1947), Holding Company Act Release No. 7841.

[6] On November 6, 1947, Standard Gas had filed a petition for review of our order of October 30, 1947, in the United States Court of Appeals for the District of Columbia and simultaneously presented a motion for a stay pending the disposition of the petition. The court in ruling on the motion for a stay of the provision relating to the restraint on proxy solicitation as well as the provision postponing the annual meeting, found that under the circumstances presented such restraint and postponement were based upon a proper exercise of the Commission's statutory powers under section 12 (e) of the act. Standard Gas and Electric Co. et al. v. S. E. C., — F. 2d — (App. D. C., November 17, 1947), Cause Nos. 9833 and 9836.

ard Gas be permitted to introduce further evidence before the hearing officer.

The staff has taken the position on the record that the solicitation material is inadequate. We think it proper that the staff, as well as any other participants who desire to urge that the declaration should be denied effectiveness, should set forth their views with particularity and that these views should be presented on the basis of the record in the form of requested findings and briefs in support thereof. The staff stated to the hearing officer that they would require a minimum of 15 days to submit requested findings and file a brief. In view of the lengthy record, consisting of upwards of 2,100 pages of testimony and 96 exhibits, such requested period would ordinarily be considered reasonable. However, we desire to expedite this matter to the fullest possible and we shall therefore require the staff and all other participants urging that the declaration be denied effectiveness to file requested findings and briefs on or before December 16, 1947.

After the filing of such requested findings and briefs, Standard Gas and the other participants supporting the declaration respecting the proxy solicitation material may have the opportunity to file reply briefs and requested findings upon making written request to the Commission on or before December 18, 1947, setting forth the time desired for preparing and filing their papers. And in the event Standard Gas or any other participants supporting the declaration should desire to introduce additional evidence, they may file a written request for leave to do so on or before December 18, 1947.

3. *Postponement of Standard Gas annual stockholders' meeting.* In our opinion of November 13, 1947, we found it was essential, in order to avoid the possibility of irreparable injury to Standard Gas or its stockholders and in order to carry out the provisions of section 12 (e) that the annual meeting of stockholders of Standard Gas scheduled for December 3, 1947, be postponed until such time after the conclusion of the hearing with respect to the issues raised under section 12 (e) and the entry of our findings with respect thereto as would permit adequate time for solicitation of proxies. Accordingly, we ordered the meeting postponed for a period of thirty days with the proviso that such period might be extended if that should appear appropriate, and we also ordered that no notice of meeting be sent pending further order of the Commission.

In the conduct of these proceedings thus far we have been constantly mindful of the need for expedition adverted to by the Court of Appeals for the District of Columbia in its opinion sustaining our power to conduct the proceedings.[6] We are satisfied that the proceedings have gone forward with all possible dispatch and we are also satisfied that the procedure herein provided for is the most expeditious possible, consistently with a fair consideration of the problems involved. However, in view of the time which must necessarily elapse before requested findings and briefs can be filed and a final determination made with respect to the declaration, and in view of the assertion by Standard Gas that some three weeks are required in advance of a stockholders' meeting to make solicitation of proxies, it would appear, on the basis of the considerations set forth in our opinion of November 13, that some further postponement of the annual meeting will be inevitable.

However, we cannot now know what period will be required for the filing of reply briefs and requested findings or whether leave to introduce additional evidence will be sought and we do not attempt to estimate at this time the extent of the further postponement that will be required. We will afford the participants an opportunity to address themselves, in their briefs on the merits or, in the case of those supporting the declaration, in connection with their requests relating to the filing of counter-proposed findings and reply briefs, or at such earlier time as they may desire, to the question whether there should be further postponement of the annual meeting and, if so, the extent of such additional postponement.

In issuing any subsequent order further postponing the meeting we will take into consideration the need for allowing adequate time to permit the company to carry out its solicitation as well as to give adequate notice of meeting in accordance with the company's by-laws and Deleware law.

4. *Company's offer of settlement and proposal of adjustment.* Counsel for Standard Gas made on the record an "offer of settlement and proposal of adjustment," providing, in part, that the company would "make whatever changes additions, deletions or other revisions in the proposed proxy statement of Standard as may be designated or requested by the Commission, provided such request sets forth the changes desired with reasonable particularity and is based upon reliable, substantial and probative evidence contained in the record, pursuant to section 7 (c) of the Administrative Procedure Act."

At this stage of the proceeding and in advance of a careful analysis of the entire record as well as the briefs and requested findings which may be filed, it is not possible for us to take any action with respect to such offer and proposal. However, when we have had an opportunity to consider the entire record, the proposed findings and the supplemental briefs, and any argument which may be presented, we shall be in a position to indicate in our findings and on the basis of the record whether and to what extent the solicitation material is deficient and, if it is found to be deficient, whether and to what extent it can be amended and supplemented so that it can be permitted to become effective.

5. *Use of exhibits accorded confidential treatment.* During the hearing, the staff offered in evidence certain exhibits, numbered 15–A, 15–B, 15–C, 15–D and 15–E, and the hearing officer admitted the exhibits into evidence over objection of Standard Gas and Standard Power and Light Corporation. The question of the treatment to be accorded to such exhibits was certified to us. We affirmed the ruling of the hearing officer admitting the exhibits into evidence, without prejudice to the right of the objecting participants to move to strike such evidence at the close of the proceedings. We further directed that, pending the conclusion of the proceedings, the exhibits be given confidential treatment to the extent consistent with a fair hearing to all participants and not be made part of the public record of the case. Inquiry has now been made as to the extent to which counsel may refer to such exhibits in briefs and requested findings. In accordance with our previous ruling concerning these exhibits, counsel may refer to the exhibits in such manner and to such extent as they may in their discretion deem pertinent to the issues raised in the proceeding and necessary to the development of their arguments in relation thereto. Except for that purpose and to that extent, however, we desire that these exhibits be treated as confidential.

It is therefore ordered, That counsel for the staff of the Public Utilities Division or any other participants in these proceedings urging denial of effectiveness to the declaration of Standard Gas shall file and serve requested findings and briefs in support thereof on or before December 16, 1947; and

It is further ordered, That any participant in the proceedings desiring to file reply briefs or requested findings, or to introduce additional evidence shall on or before December 18, 1947, file a written request for leave to do so stating the time desired by such persons for such purposes; and

It is further ordered, That all participants may present a showing, in their briefs or prior thereto, as to whether there should be a further postponement of the annual meeting of stockholders of Standard Gas and, if such postponement be ordered, the extent thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-11003; Filed, Dec. 15, 1947; 8:49 a. m.]

[File Nos. 54-98, 59-87, 70-1567, 70-1596, 70-1597]

WASHINGTON RAILWAY AND ELECTRIC CO. ET AL.

NOTICE OF FILING AND ORDER FOR HEARINGS ON APPLICATION TO PAY FEES AND EXPENSES, AND ORDER OF CONSOLIDATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 9th day of December 1947.

In the matter of Washington Railway and Electric Company, File No. 54-98; Washington Railway and Electric Company, The Washington and Rockville Railway Company of Montgomery County, and their subsidiary companies and, The North American Company, File No. 59-87; Potomac Electric Power Company, Washington Railway and Electric Company, File No. 70-1567; Washington Railway and Electric Company, File No. 70-1596; The North American Company, File No. 70-1597.

The Commission having on May 15, 1947, issued its order (File Nos. 54-98 and

[6] See footnote on p. 4817.

59-87) approving a plan filed by Washington Railway and Electric Company ("Washington Railway") pursuant to Section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") for the liquidation and dissolution of Washington Railway, in which order the Commission having reserved jurisdiction to pass upon all fees and expenses incurred in connection with the proceedings upon said plan; and

The Commission by its orders dated July 29, 1947, August 14, 1947 and August 22, 1947 (File No. 70-1567) with respect to the exchange and redemption by Potomac Electric Power Company ("Pepco") of its then outstanding 6% and 5½% Cumulative Preferred Stocks and the issuance of new common stock as a step in furtherance of said plan of Washington Railway, having reserved jurisdiction with respect to legal fees of Sullivan & Cromwell, counsel for Pepco, for services rendered in connection with such transactions; and

The Commission by its order dated September 9, 1947 (File Nos. 70-1596 and 70-1597), with respect to the issuance by Washington Railway to its stockholders of transferable warrants for the purchase of certain shares of Capital Stock of Capital Transit Company ("Transit") as a step in furtherance of said plan of Washington Railway, having reserved jurisdiction over all legal fees incurred in connection with such transactions; and

Washington Railway and Pepco having filed an application for approval of the payment by Washington Railway of certain fees and expenses incurred in connection with the said plan (File Nos. 54-98 and 59-87) and the transactions with respect to Transit (File No. 70-1567) and for the payment by Pepco of legal fees incurred in connection with the exchange and redemption of its Preferred Stocks and the issuance of new common stock (File Nos. 70-1596 and 70-1597), as set forth below:

FEES AND EXPENSES OF WASHINGTON RAILWAY

	Fees	Expenses
Printing, Envelopes, etc		[1] $10,216.53
Postage, Telephone and Telegraph Charges		[1] 2,341.65
Travel Expenses		[1] 3,815.30
Cost of Transcripts, etc		[1] 1,512.27
Miscellaneous Expenses		[1] 1,049.70
James Francis Reilly, services in connection with special Act of Congress approved June 18, 1946	[1] $5,000.00	[1] 236.45
Price, Waterhouse & Co. Examination of financial statements of Capital Transit Company as of August 31, 1946 for proposed registration statement	[1] 4,500.00	
National Savings and Trust Company Exchange and Script Agent	1,400.00	
Sullivan & Cromwell, services in connection with consummation of Amended Plan	[2] 25,000.00	617.31
Sullivan & Cromwell, services in connection with sale of Capital Transit Stock	7,500.00	314.81
Rathbone, Perry, Kelley & Drye, services in connection with sale of Capital Transit Stock	7,500.00	526.24
Hewes and Awalt, services in connection with sale of Capital Transit Stock	250.00	
FEES AND EXPENSES OF PEPCO		
Sullivan & Cromwell, services in connection with recapitalization and Preferred Stock refinancing	15,000.00	1,551.20

[1] Paid upon receipt of bills during period covered.
[2] $5,000 paid on account.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said application, and it further appearing to the Commission that the proceedings in File Nos. 54-98 and 59-87, File Nos. 70-1567, and File Nos. 70-1596 and 70-1597, are related and involve common questions of law and fact in so far as the said application is concerned:

It is hereby ordered, That the proceedings heretofore held in File Nos. 54-98 and 59-87, File Nos. 70-1567 and File Nos. 70-1596 and 70-1597, be, and they hereby are, consolidated for the purpose of the hearing hereinafter ordered.

It is further ordered, That the records in File Nos. 54-98 and 59-87, File Nos. 70-1567, and File Nos. 70-1596 and 70-1597, be, and they hereby are reopened and that a consolidated hearing be reconvened on December 29, 1947, at 10 a. m. e. s. t. for the purpose of considering said application for payment of fees and expenses and any other application or applications for allowance of fees and expenses that may be filed as hereinafter provided; such hearing to be held at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of this Commission on or before December 24, 1947 a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Willis E. Monty or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division having advised the Commission that it has made a preliminary examination of the application and that upon the basis thereof the following matters and questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

Whether the fees and expenses proposed to be paid by Washington Railway and Pepco and the requests for allowances for fees and expenses which may be filed by others are for necessary services and are reasonable in amount, and whether it is appropriate and lawful to grant any allowances for fees and expenses to the persons making such claims.

It is ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That any person desiring to assert any claim for compensation or reimbursement of expenses in connection with the proceedings herein shall on or before December 24, 1947, file such claim or a notification of intention to assert such claim, and that in the event other claims are filed during the course of these proceedings no notice of such filing will be given unless specifically ordered by the Commission. Any person desiring to receive further notice of filing of such additional claims should file an appearance in these proceedings or otherwise specifically request such notice.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing a copy of this notice and order by registered mail to Washington Railway and Pepco, to all persons who have heretofore applied for or who have been granted participation in the proceedings, and to all other persons by publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-10333; Filed, Dec. 15, 1947; 8:49 a. m.]

[File No. 70-1524]

COLUMBIA GAS & ELECTRIC CORP. AND UNITED FUEL GAS CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pennsylvania, on the 8th day of December 1947.

Columbia Gas & Electric Corporation ("Columbia") a registered holding company, and its subsidiary, United Fuel Gas Company ("United Fuel"), having filed a joint application-declaration, and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b), 9, 10 and 12 thereof, and Rule U-43 promulgated thereunder, with respect to the issue and sale by United Fuel to Columbia of $6,400,000 principal amount of 3¼%

notes, due in equal annual installments on August 15 in each of the years 1950 to 1974, inclusive, part of the proceeds of such notes to be used by United Fuel for the purpose of financing part of its 1947 construction expenditures, which, it is estimated, will aggregate $9,472,000 and $2,000,000 of the proceeds from the sale of such notes to be used by United Fuel to return to Columbia a temporary non-interest bearing advance made by Columbia to enable United Fuel to proceed with its construction program pending study of certain tax problems existing with respect to the recapitalization program proposed in the original filing herein; and

The Public Service Commission of West Virginia, by Orders dated July 11, 1947, and November 10, 1947, having approved the proposed transaction; and

Said joint application-declaration having been filed on May 13, 1947 and the last amendment thereto having been filed on December 1, 1947, notice of such filing having been duly given in the manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said joint application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said joint application-declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interests of investors and consumers that said joint application-declaration be granted and permitted to become effective:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24 that the aforesaid application-declaration, as amended, be, and there same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-10997; Filed, Dec. 15, 1947; 8:48 a. m.]

[File No. 70-1655]

CENTRAL MAINE POWER CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION, GRANTING APPLICATION AND APPROVING ACTION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 9th day of December A. D. 1947.

Central Maine Power Company ("Central Maine") a public utility subsidiary of New England Public Service Company, a registered holding company, having filed an application, and amendments thereto, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, regarding the issuance and sale of $4,000,000 principal amount of First and General Mortgage Bonds, Series P (__% due 1977, and 160,000 shares of additional common stock, $10 par value; and

The Commission, by order dated December 1, 1947, having granted said application as amended, subject, however, to the condition, among others, that the proposed issuance and sale of bonds and common stock should not be consummated until the results of competitive bidding, pursuant to Rule U-50, shall have been made a matter of record herein and a further order shall have been entered by the Commission in the light of the record so completed, jurisdiction being reserved to impose further terms and conditions as may then be deemed appropriate; and

Applicant having requested that the bidding period required by subparagraph (b) of Rule U-50 be shortened to six days and the Commission having in its findings and opinion of December 1, 1947 deemed such action appropriate; and

Central Maine having on December 9, 1947 filed a further amendment to its application herein stating that its bonds have been offered for sale pursuant to the competitive bidding requirements of Rule U-50 and that the following bids were received:

Bidding group headed by—	Coupon rate	Price to company [1]	Annual cost to company
	Percent	*Percent*	*Percent*
Halsey, Stuart & Co. Inc.	3¼	102.0299	3.14493
Blyth & Co. Inc.; Kidder, Peabody & Co., W. E. Hutton & Co.	3¼	101.289	3.18299
Salomon Bros. & Hutzler	3¼	101.28	3.18345
Merrill Lynch, Pierce, Fenner & Beane; White, Weld & Co.	3¼	101.159	3.18969
Harriman, Ripley & Co., Inc.; Lehman Bros.	3¼	101.03	3.19636

[1] Plus accrued interest to the date of delivery.

It being further stated in said amendment that Central Maine has accepted the bid of the group headed by Halsey, Stuart & Co. Inc., for the bonds, as set out above, and that such bonds will be offered for sale to the public at a price of 102.91% of the principal amount thereof, plus accrued interest, resulting in an underwriter's spread of 0.8801% of the principal amount of the bonds; and

The amendment further stating that the common stock (subject to the preemptive offer) has been offered for sale pursuant to the competitive bidding requirements of Rule U-50 and that applicant has received one bid from a group headed by Blyth & Co. Inc. and Kidder, Peabody & Co., for the common stock at a price of $12.00 per share to the company and that the company has rejected the bid for the common stock; and

Applicant having obtained a supplemental decree from the Public Utilities Commission of Maine authorizing the issuance of the bonds after competitive bidding; and

The Commission having considered the record as so completed by said amendment and finding that the applicable standards of said act and the rules and regulations promulgated thereunder have been satisfied, and finding no basis for imposing terms and conditions with respect to the price to be paid for said bonds, the interest rate thereon, and the underwriter's spread; and it appearing to the Commission that the jurisdiction heretofore reserved with respect to the sale at competitive bidding of common stock by Central Maine should be continued;

It is ordered, That the jurisdiction heretofore reserved with respect to the matters to be determined as a result of competitive bidding in connection with the sale of said bonds, pursuant to Rule U-50, be, and the same hereby is, released, and that said application, as further amended be, and the same hereby is, granted forthwith, subject, however, to the terms and conditions prescribed in Rule U-24.

It is further ordered, That the action taken by the company with respect to shortening the period required by subparagraph (b) of Rule U-50 for the invitation of bids on the bonds and common stock to not less than six days, be and the same hereby is, confirmed and approved.

It is further ordered, That the jurisdiction heretofore reserved with respect to the sale at competitive bidding of common stock by Central Maine and with respect to the payment of all legal fees incurred or to be incurred in connection with the proposed transactions be, and the same hereby is, continued.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-11000; Filed, Dec. 15, 1947; 8:48 a. m.]

[File No. 70-1698]

AMERICAN POWER & LIGHT CO., AND KANSAS GAS & ELECTRIC CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 8th day of December A. D. 1947.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by American Power & Light Company ("American") a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, and American's electric utility subsidiary, Kansas Gas & Electric Company ("Kansas") Applicants-declarants designate sections 6, 9, 12 (b) and 12 (f) of the act and Rule U-45 thereunder as applicable to the proposed transactions:

Notice is further given that any interested person may, not later than December 18, 1947 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed as follows: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Phila-

delphia 3, Pennsylvania. At any time after 5:30 p. m., e. s. t., on December 18, 1947, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

American proposes from time to time to lend to Kansas, at an interest rate of 1¾% per annum, sums which at any one time will not exceed $2,500,000, and Kansas proposes from time to time to borrow from American and/or from banks sums which at any one time will not exceed $2,500,000. It is proposed that such loans will be made not later than May 31, 1948 and that all of such loans will be repaid at the time Kansas finances its construction expenditures on a long-term basis but in any event not later than September 30, 1948. It is contemplated that such permanent financing will be done by Kansas not later than June 1948.

In the event any borrowings from banks are to be made hereunder, an amendment to the application-declaration will be filed with the Commission stating the names of the bank or banks from which such borrowings are to be made, the terms thereof, the interest rate, and maturity. It is proposed that such amendment shall become effective within 10 days after filing in the event no action is taken with respect thereto by the Commission within such 10-day period.

Applicants-declarants state that the proposed loans are necessary to provide funds for Kansas in order to carry out the construction program of that company.

Joint applicants-declarants request that the Commission's order granting the application and permitting the declaration to become effective be issued as soon as possible and the Commission's order become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-11004; Filed, Dec. 15, 1947; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Return Order 62]

ERMINIA BINDA

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the Determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and claim No.	Notice of intention to return published	Property
Erminia Binda, Macon, Ga.: 5406.	12 F. R. 6352 Sept. 24, 1947.	$5,362.46 in the Treasury of the United States. Lots numbers four (4), five (5) and eleven (11) in block B and lots numbers one (1), two (2), four (4), five (5), forty-three (43) and forty-five (45) in block C of the O'Connell subdivision in the City of Macon, County of Bibb, State of Georgia, plat of which subdivision is recorded in the clerk's office, Bibb Superior Court, in book 72 at page 235, to which plat reference is made for a more perfect description. There is excepted from lot number eleven (11) in block B that portion thereof conveyed by Erminia Binda to Standard Oil Co. of Kentucky by warranty deed recorded, May 29, 1924, in the clerk's office, Bibb Superior Court, in book 232 at page 493. That certain tract or parcel of land lying in East Macon District County of Bibb, State of Georgia, being in the southwest quarter of lot number thirty-one (31) of the Wellelk property, fronting on a 17 ft. alley on the North fifty-two and one-half (52½) feet, and running back with equal width one hundred ten (110) feet, bounded on the South by property of W. E. Edwards, on the East by J. W. Howard lot, and on the North by the said alley; said lot being fifty-two and one-half (52½) feet west of the 17 ft. alley which runs North and South through said block; said tract or parcel being a portion of the property conveyed to A. Binda by Macon Securities Co. by warranty deed recorded Apr. 18, 1918, in the clerk's office, Bibb Superior Court, in book 219 at page 703. All right, title, interest and claim of any name or nature whatsoever of the claimant in and to any and all unliquidated obligations, contingent or otherwise, and whether or not matured, owing to the claimant by A. T. Holt Co. and Dorsau Realty & Insurance Co. immediately prior to the vesting thereof.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on December 9, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director Office of Alien Property.*

[F. R. Doc. 47-11032; Filed, Dec. 15, 1947; 8:51 a. m.]

[Vesting Order 10104]

META PETERSEN

In re: Estate of Meta Petersen, deceased. File No. D-28-9317; E. T. sec. 12304.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lena Janke, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany).

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof, in and to the estate of Meta Petersen, deceased, is property payable or deliverable to, or claimed by the aforesaid national of a designated enemy country (Germany)

3. That such property is in the process of administration by the Public Administrator for the County of New York, as administrator, acting under the judicial supervision of the Surrogate's Court of New York County, State of New York;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director Office of Alien Property.*

[F. R. Doc. 47-11025; Filed, Dec. 15, 1947; 8:50 a. m.]

[Vesting Order 10113]

CARL SESSLER

In re: Estate of Carl Sessler, also known as Karl Sessler, deceased. File No. D-28-9027; E. T. sec. 11481.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Sessler, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to the estate of Carl Sessler, also known as Karl Sessler, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country, (Germany),

3. That such property is in the process of administration by Martin J. Hasz, as

administrator, acting under the judicial supervision of the Probate Court of Plymouth County, Commonwealth of Massachusetts;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-11026; Filed, Dec. 15, 1947; 8:50 a. m.]

NICOLAUS PER MATHIESEN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No. and Property

Nicolaus Per Mathiesen, Drammen, Norway; 6761; property described in Vesting Order No. 294 (7 F. R. 9840, November 26, 1942), relating to United States Patent Application Serial No. 358,039 (now United States Letters Patent No. 2,341,639).

Executed at Washington, D. C., on December 9, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-11035; Filed, Dec. 15, 1947; 8:51 a. m.]

[Return Order 63]

LESLIE CO.

Having considered the claim set forth below and having issued a determination allowing the claim which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the Determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant and claim No.	Notice of intention to return published	Property
Leslie Co. Claim No. A-234.	12 F. R. 6847, Oct. 18, 1947.	Property described in Vesting Order No. 201 (8 F. R. 625, Jan. 16, 1943), relating to United States Letters Patent No. 1,014,858. This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on December 9, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-11033; Filed, Dec. 15, 1947; 8:51 a. m.]

[Vesting Order 10116]

FRED WADELL

In re: Estate of Fred Wadell, also known as Frederick Wadell, deceased. File No. D-28-11774; E. T. sec. 15980.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emilie Lorch, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to the estate of Fred Wadell, also known as Frederick Wadell, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany),

3. That such property is in the process of administration by Marie Sturman, as administratrix, acting under the judicial supervision of Kings County Surrogate's Court, State of New York;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-11027; Filed, Dec. 15, 1947; 8:50 a. m.]

[Return Order 64]

KURT M. VOGEL

The claim set forth below having been allowed after hearing by decision of the hearing examiner, which is incorporated by reference herein and filed herewith, and no petition for review having been filed within the period prescribed by § 504.22 of the rules of procedure for claims, and it appearing that return is in the interest of the United States,

It is ordered, That the claimed property described below and in the decision, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant and claim No.	Notice of intention to return published	Property
Kurt N. Vogel, administrator of the estate of Max Vogel, deceased. Claims Nos. A-94 to A-106, inclusive.	12 F. R. 6957, Oct. 25, 1947.	Property described in Vesting Order No. 201 (8 F. R. 625, Jan. 16, 1943) relating to United States Letters Patent Nos. 1,639,821, 1,740,322, 1,846,165, 1,935,280, 1,944,020, 1,985,751, 1,996,222, 2,021,274, 2,083,767, 2,088,005, 2,180,400, 2,181,252, and 2,240,105.

This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on December 9, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-11034; Filed, Dec. 15, 1947; 8:51 a. m.]